

Chapter 65. Zoning Code - Land Use Definitions and Development Standards

ARTICLE I. 65.000. GENERAL PROVISIONS

Sec. 65.001. Land use definitions and development standards.

For the purposes of this zoning code, the land use terms defined in this chapter shall have the meanings ascribed to them herein. Where land use terms are not specifically defined in this zoning code, they shall have ascribed to them their ordinarily accepted meanings and/or such as the context herein may imply. The standards and conditions listed for land uses in this chapter are applicable to both permitted uses and uses permitted by conditional use permit, as specified for each zoning district, unless otherwise noted.

ARTICLE II. 65.100. RESIDENTIAL USES

Division 1. 65.110. Dwellings

Sec. 65.111. Dwelling, one-family.

A building designed exclusively for and occupied exclusively by one family in one dwelling unit , **except for a secondary dwelling as allowed under section 65.120 .**

Standards and conditions in TN1-TN2 Traditional Neighborhood Districts:

A new one-family dwelling shall be on a lot no more than 50 feet in width, with a side yard adjoining residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling, except that any existing one-family dwelling may be reconstructed within two (2) years of the removal of the building.

Sec. 65.112. Dwelling, two-family.

A building designed exclusively for or occupied exclusively by no more than two (2) families living independently of each other in two (2) separate dwelling units.

Sec. 65.113. Dwelling, three-family.

A building designed exclusively for or occupied exclusively by no more than three (3) families living independently of each other in three (3) separate dwelling units.

Sec. 65.114. Dwelling, four-family.

A building designed exclusively for or occupied exclusively by no more than four (4) families living independently of each other in four (4) separate dwelling units.

Sec. 65.115. Dwelling, townhouse.

A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear walls to be used for access, light and ventilation.

Development standard:

In the RT2 Townhouse Residential District, no more than six (6) townhouse dwelling units

shall be attached to form the townhouse structure.

Sec. 65.116. Dwelling, multiple-family.

A building, or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other in individual dwelling units.

Secs. 65.117 - 65.119. Reserved.

Sec. 65.120. Dwelling, secondary.

An additional dwelling unit located within and subordinate to the principal dwelling on the lot, designed for a single occupant or small family.

Standards and conditions:

- (a) A secondary dwelling unit shall be located within a one-family dwelling.
- (b) The appearance of the building in which the dwelling unit is located shall remain that of a one-family dwelling. Any new entrances must face the side or rear of the building.
- (c) In the case of an addition to an existing structure, roof pitch, windows, eaves and other architectural features must be the same or visually compatible with those of the original building. Exterior finish materials and trim must be the same or closely match in type, size and location the materials and trim of the original building.
- (d) The secondary unit may not contain more than thirty (30) percent of the building's total floor area or 800 square feet, whichever is less.
- (e) The total number of residents that reside in the building (including both units) may not exceed the number that is allowed for a household or "family" as defined in this ordinance.
- (f) There shall be no more than two (2) dwelling units on the zoning lot.
- (g) At least one dwelling unit on the zoning lot shall be owner-occupied. The owner of the property shall submit annual certification of owner-occupancy to the zoning administrator along with an annual fee established by resolution of the city council as provided in section 61.302(b).

Additional standards and conditions in Residential Districts:

- (h) The minimum lot area shall be 2500 square feet greater than the minimum lot area required for a one-family dwelling in the zoning district.
- (i) The lot shall have street frontage, including both streets for corner lots, at least twenty-five (25) feet greater than the minimum lot width required for a one-family house in the zoning district.

Sec. 65.121. Dwelling, carriage house.

An additional accessory dwelling unit, subordinate to the principal dwelling on the lot, located within an accessory building ~~above a detached garage~~.

Standards and conditions:

- (a) A carriage house dwelling unit shall be located within a building that is accessory to a one-family, two-family, three-family or townhouse dwelling, and located in the rear yard.
- (b) Any exterior changes or additions for a carriage house dwelling shall be constructed of similar materials and shall be architecturally compatible with the main (principal) building.
- (c) The dwelling unit may not contain more than thirty (30) percent of the total floor area on the zoning lot.

- (d) There shall be no more than one secondary or carriage house dwelling on a zoning lot.
- (e) The minimum lot area shall be 2500 square feet greater than the minimum lot area required for the main (principal) building in the zoning district.
- (f) An accessory building with a carriage house dwelling shall meet all requirements for accessory buildings, provided, however, that it may be up to twenty-five (25) feet in height. If walls of a carriage house dwelling facing interior lot lines contain windows or other openings, the wall shall be set back at least eight (8) feet from the lot line.
- (g) Except in the TN3 Traditional Neighborhood Development District, at least one dwelling unit on the zoning lot shall be owner-occupied. The owner of the property shall submit annual certification of owner-occupancy to the zoning administrator along with an annual fee established by resolution of the city council as provided in section 61.302(b).
- (h) Except in the TN1-TN3 Traditional Neighborhood Districts, the lot shall have street frontage, including both streets for corner lots, at least twenty-five (25) feet greater than the minimum lot width required for the main (principal) building in the zoning district.
- ~~a. The building planned for use as a carriage house dwelling had space originally built to house domestic employees. [The Housing Chapter of the Comprehensive Plan calls for broadening this and, with all of the additional conditions above, this is no longer needed.]~~
- ~~b. The applicant shall obtain a petition signed by two-thirds of the property owners within one hundred (100) feet of the applicant's property line consenting to the carriage house dwelling. [With all of the additional conditions above, this is no longer needed.]~~
- ~~c. The applicant shall not reduce the number of existing off-street parking spaces on the property and shall also provide additional off-street parking as required for the carriage house dwelling. [Deleted text is superfluous. Just as for secondary dwellings, the standard parking requirement for dwelling units applies.]~~
- ~~d(i) Except in the TN3 Traditional Neighborhood Development District, a site plan and a building plan shall be submitted to the planning commission at the time of application. Carriage house dwellings are exceptions to one (1) main building per zoning lot requirements. [Deleted text is unnecessary and may cause confusion; it is language that is already in §66.241.]~~

Secs. 65.122 - 65.129. Reserved.

Sec. 65.130. Cluster development.

The arrangement of two (2) or more **dwelling units, either attached or detached, common wall, single-family units, with no unit intruding on the vertical airspace of any other unit as part of a single development that may include more than one (1) principal residential building on a zoning lot.** [This is more consistent with the definition in the Minneapolis zoning code. Deleted text is redundant.]

Standards and conditions:

- (a) ~~There shall be a minimum of two (2) units. [This is in the definition and therefore redundant.]~~ ~~(h)~~ Applications for cluster development shall include site plans, including landscaping and elevations and other information the planning commission may request.
- (b) ~~The units shall be attached, common wall, single-family, with~~ [Dwelling units are one-family by definition, so this is redundant.] No unit **shall intrude** on the vertical airspace of any other unit.
- ~~(c)~~ ~~(d)~~ The parcel shall have a minimum frontage of eighty (80) feet on an improved street ~~:(c)The parcel shall~~ **and meet the lot area required per unit in the zoning district. Individual lots within a cluster development may have less than the required lot area for the zoning district provided**

such reductions are compensated for by an equivalent amount of property owned in common elsewhere in the cluster development. Lot area shall not include areas designated as public or private streets. [Added useful language from the Minneapolis code.]

- (de) ~~The Structures shall conform to the schedule of regulations~~ dimensional standards for height, lot coverage, and setbacks and parking for the zoning district. [Parking does not fit here and is redundant.] Required yards within a cluster development may be reduced or eliminated provided required yards are maintained along the periphery of the cluster development. [Added useful language from the Minneapolis code.]
- (ef) The design shall be compatible with the surrounding neighborhood.
- (fg) Individual lots, buildings, street and parking areas shall be designed and situated to minimize alteration of the natural features and topography.

Sec. 65.131. Housing for the elderly.

A multiple-family structure, ~~controlled by either a public body, institutional body, or nonprofit corporation, in which~~ eighty (80) percent of ~~whose~~ the occupants shall be sixty-two ~~five~~ (62) years of age or over, or a multiple-family structure ~~owned and operated by the Saint Paul Public Housing Agency (PHA) within which over ninety-five (95) percent of the units have no more than one bedroom and are occupied by persons who are eligible for admission to public housing in accordance with current federal regulations where each unit is occupied by at least one (1) person who is fifty-five (55) years of age or over and is retired, and where the rental arrangement includes a requirement that all members of each household consume at least one (1) meal per day in a congregate dining facility contained within the multiple-family structure.~~ [Deleted text has proven to be impractical. While most public housing high rises meet the current definition of "housing for the elderly," HUD now requires that PHA admit single persons under 62 who are not disabled to their high rises rather than let the units stand vacant. Elderly housing is regulated the same as other types of multiple family housing except the parking requirement is lower.]

Sec. 65.132. Reuse of large structures.

Conversion or reuse of residential structures of over nine thousand (9,000) square feet gross floor area and permitted nonresidential structures such as churches and schools.

Standards and conditions in Residential Districts:

- (a) The planning commission shall find that the structure cannot reasonably be feasibly used for a conforming use.
- (b) The planning commission shall find that the proposed use and plans are consistent with the comprehensive plan.
- (c) The planning commission shall find that the proposed use and structural alterations or additions are compatible with the surrounding neighborhood and land uses.
- (d) Parking for the new use shall be provided in accordance with the requirements of section 623.103 ~~200~~ for new structures.
- (e) Applications for conversion or reuse shall include a notarized petition of two-thirds of the property owners within one hundred (100) feet of the property proposed for the reuse, site plans, building elevations, and landscaping plans, and other information which the planning commission may request.

Division 2. 65.140. Mixed Commercial-Residential Uses

Sec. 65.141. Home occupation.

An occupation carried on in a dwelling unit by ~~the~~ **a** resident thereof, provided that the use is limited in extent, incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.

Standards and conditions:

- (a)** ~~b~~ A home occupation may include ~~professional~~ **small** offices, service establishments ~~or offices,~~ or homecrafts which are typically considered accessory to a dwelling unit. **Such home occupations shall involve only limited retailing, by appointment only, associated with fine arts, crafts or personal services as allowed in the B1 Local Business District.** [This change would allow limited retailing associated with such things as a beauty shop and musical instrument repair.]
- (b)** ~~a~~ A home occupation shall not involve the conduct of a **general** retail or wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property, **and shall not involve retailing except as noted in paragraph (a).**
- (c)** A home occupation shall be carried on wholly within the main building. No home occupation shall be allowed in detached accessory buildings or garages.
- (d)** All home occupation activities in dwelling units of less than four thousand (4,000) square feet of total living area, excluding a cellar and attic, shall be conducted by no more than two (2) persons, for one (1) of whom the dwelling unit shall be the principal residence. All home occupation activities in dwelling units of four thousand (4,000) or more square feet of total living area, excluding a cellar and attic, shall be conducted by no more than three (3) persons, for one (1) of whom the dwelling unit shall be the principal residence.
- (e)** No structural alterations or enlargements shall be made to the dwelling for the primary purpose of conducting the home occupation.
- (f)** Service **and teaching** occupations shall serve no more than one party per employee at a time and shall not serve groups or **classes**. [Even though classes are a type of group, when a case was reviewed in Housing Court it would have been more clear if the code were more specific.]
- (g)** There shall be no exterior storage of equipment, supplies or commercial vehicles associated with the home occupation, nor parking of more than one (1) business car, pickup truck or small van, nor any additional vehicles except those for permitted employees identified under paragraph (d).
- (h)** There shall be no detriments to the residential character of the neighborhood due to noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, number of deliveries, hours of operation or any other annoyance resulting from the home occupation.
- (i)** A home occupation may have an identification sign no larger than two (2) square feet in area, which shall not be located in a required yard.
- (j)** Home occupations for handicapped persons that do not meet these conditions may be reviewed by the board of zoning appeals, which may modify or waive ~~the~~ requirements (a) through (g).
- (k)** ~~j~~ For the purposes of **this section** ~~subdivision (7)~~, "principal residence" shall mean the dwelling where a person has established a permanent home from which the person has no present intention of moving. A principal residence is not established if the person has only a temporary physical presence in the dwelling unit.

Sec. 65.142. Live-work unit.

A dwelling unit in combination with a shop, office, studio, or other work space within the same unit, where the resident occupant both lives and works.

Standards and conditions:

- (a) The work space component must be located on the first floor or basement of the building, with an entrance facing the primary abutting public street.
- (b) The dwelling unit component must be located above or behind the work space, and maintain a separate entrance located on the front or side facade and accessible from the primary abutting public street.
- (c) The office or business component of the unit shall not exceed thirty (30) percent of the total gross floor area of the unit.
- (d) A total of two off-street parking spaces shall be provided for a live-work unit, located to the rear of the unit, or underground/enclosed.
- (e) The size and nature of the work space shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit would require the building to be classified as a mixed-use building.
- (f) The business component of the building may include offices, small service establishments, homecrafts which are typically considered accessory to a dwelling unit, or limited retailing, by appointment only, associated with fine arts, crafts, or personal services. The business component shall be limited to those uses otherwise permitted in the district which do not require a separation from residentially zoned or occupied property, or other protected use. It may not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.

Sec. 65.143. Mixed residential and commercial use.

Standards and conditions in B1-B3 Business and IR-I2 Industrial Districts:

- (a) Residential uses are limited to not more than fifty (50) percent of the basement and first floor. The entire upper floors may be used for residential use. At least fifty (50) percent of the basement and first floor shall be devoted to a principal use permitted in this district, except residential use.
- ~~(b) Residential uses may be occupied by foster homes, freestanding foster care homes, or human service-licensed community residential facilities for sixteen (16) or fewer facility residents subject to the condition that they are at least one thousand three hundred twenty (1,320) radial feet from another similar facility. [This is redundant - restates language in Division 65.150.]~~

Sec. 65.144. Mixed residential and commercial use, multiple family dwelling.

~~*Standards and conditions as special condition use in B1-B3 Business Districts:*~~

- ~~(a) The proposed use is part of a redevelopment project proposed by a public agency as the applicant or done in accordance with a specific plan pertaining to the proposed use, which specific plan has been approved by the city.~~
- ~~(b) Commercial uses shall be limited to those otherwise permitted in the district which do not require a separation distance from residentially zoned or occupied property. [With mixed residential and commercial use also a permitted use in business districts, this is confusing. With new TN zoning providing more options for this use, and with changes in state law making rezoning easier, this section should be deleted.]~~

Division 3. 65.150. Congregate Living

Sec. 65.151. Foster home.

A dwelling unit in which a foster care program licensed by the commissioner of human services or the commissioner of corrections is operated in the principle residence of the license holder.

Development standards:

In B1, B2~~and~~-B3 Business ~~,and IR-12 Industrial~~ Districts, the use shall be within a mixed-use building. In B4 and B5 Business Districts, the use shall be within a multiple-family building.

Sec. 65.152. Freestanding foster care home.

A dwelling unit in which a foster care program that is licensed by the commissioner of human services is operated in other than the principle residence of the license holder.

Development standards:

See Sec. 65.151. Foster home.

Sec. 65.153. Community residential facility, licensed human service.

One (1) main building, or portion thereof, on one (1) zoning lot where one (1) or more children or persons with mental retardation or related conditions, mental illness, chemical dependency or physical handicaps reside on a 24-hour-per-day basis under the auspices of a program licensed by the Minnesota Department of Human Services to provide lodging in conjunction with monitoring, supervision, treatment, rehabilitation, habilitation, education or training of the residents of the facility.

This definition does not include:

- (1) Foster homes or freestanding foster homes as defined in ~~section 60.206~~ of this code;
- (2) Residential treatment programs physically located on hospital grounds;
- (3) Regional treatment centers operated by the commissioner of human services;
- (4) Licensed semi-independent living services for persons with mental retardation or related conditions or mental illness, if the license holder is not providing, in any manner, direct or indirect, the housing used by persons receiving the service.

~~Condition in RL-RM3 Residential Districts for licensed human service community residential facilities serving six (6) or fewer facility residents:~~

~~—— It shall be located at least one thousand three hundred twenty (1,320) radial feet from another human service-licensed community residential facility.~~

~~Condition in RT2-RM3 Residential Districts for licensed human service community residential facilities serving seven (7) to sixteen (16) facility residents:~~

~~—— It shall be located at least one thousand three hundred twenty (1,320) radial feet from another licensed human service community residential facility.~~

~~Standards and conditions in OS-B3 Business Districts for human service-licensed community residential facilities for sixteen (16) or fewer facility residents:~~

- (a) ~~It~~ **The facility** shall be located at least a minimum distance of one thousand three hundred twenty (1,320) radial feet from ~~another similar~~ any other licensed community residential facility, emergency housing facility, shelter for battered persons with more than four (4) adult facility residents, overnight shelter, or transitional housing facility with more than four (4) adult facility residents, except in B4-B5 Business Districts where it shall be at least six hundred (600) feet from any other such facility.
- (b) In RL-RT1 Residential Districts, the facility shall serve six (6) or fewer facility residents. In RT2 Residential, TN1-TN3 Traditional Neighborhood, OS-B3 Business and IR-I2 Industrial Districts, the facility shall serve sixteen (16) or fewer facility residents.
- (c) In residential districts, a conditional use permit is required for facilities serving seven (7) or more facility residents.

Condition in B4-B5 Business Districts:

- (d) In B4-B5 Business Districts, ~~the human service-licensed community residential facility~~ shall be located at least six hundred (600) radial feet from another similar facility and located in a multiple-family structure.

Standards and conditions in RM1-RM2 Residential Districts for licensed human service residential facilities, shelters for battered persons, and transitional housing for seventeen (17) or more facility residents, roominghouses and boardinghouses:

- a(e) **Except in B4-B5 Business Districts, facilities serving seventeen (17) or more facility residents shall have a** minimum lot area of five thousand (5,000) square feet ~~be provided for the first two (2) guest rooms and~~ **plus** one thousand (1,000) square feet for each ~~additional guest room in excess of two (2) guest rooms, and one (1) off-street parking space for every two (2) facility residents.~~
- b. ~~One (1) off-street parking space for every two (2) facility residents.~~ [In §63.207, Parking requirements by use table.]
- c. ~~Licensed human service community residential facilities shall be located at least one thousand three hundred twenty (1,320) radial feet from any other licensed human service community residential facility.~~
- d. ~~Transitional housing facilities and shelters for battered persons shall not be located in a planning district in which one (1) percent or more of the population lives in licensed human service community residential facilities, licensed correctional community residential facilities, health department-licensed community residential facilities, emergency housing facilities, overnight shelters, shelters for battered persons and/or transitional housing facilities.~~
- e. ~~Permission for special condition use applies only as long as the number of residents is not increased and its licensing, purpose or location do not change and other conditions of the permit are met.~~ [This is a statement that is true without being stated here, and thus is unnecessary.]

Sec. 65.154. Community residential facility, licensed correctional.

One (1) main building, or portion thereof, on one (1) zoning lot where one (1) or more persons who are placed there by a court, court services department, parole authority or other correctional agency having dispositional power over persons charged with or convicted of a crime or adjudicated delinquent reside on a 24-hour-per-day basis under the care and supervision of a residential program licensed by the Minnesota Department of Corrections.

This definition does not include:

- (1) Licensed foster care homes serving persons under eighteen (18) years of age in the principal residence of the license holder;
- (2) Municipal, county or regional jails, workhouses, juvenile detention facilities, or state correctional facilities operated by the commissioner of corrections.

Standards and conditions in RM1-RM2 Residential and B2-B3 Business Districts:

- (a) Preliminary licensing review by the Minnesota Department of Corrections.
- d(b) The facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from ~~any~~ other licensed ~~correctional community residential facilities, licensed human service community residential facilities facility, transitional housing or shelters for battered persons, emergency housing~~ **facility, health department-licensed community residential facilities or overnight shelters shelter for battered persons with more than four (4) adult facility residents, overnight shelter, or transitional housing facility with more than four (4) adult facility residents, except in B4-B5 Business Districts where it shall be at least six hundred (600) feet from any other such facility.** [Consistent with similar language in §65.153.]
- g(c) ~~Except in B4-B5 Business Districts, the facility~~ It shall not be located in a planning district in which one (1) percent or more of the population lives in licensed ~~human service community residential facilities, licensed correctional community residential facilities, health department-licensed community residential facilities, emergency housing facilities~~ **with more than four (4) adult facility residents, overnight shelters, shelters for battered persons, overnight shelters, and/or transitional housing facilities with more than four (4) adult facility residents.**
- b(d) The facility serves no more than sixteen (16) facility residents, **except in B4-B5 Business Districts where it shall serve no more than thirty-two (32) facility residents.**
- a(e) It shall not be located in a two-family or multifamily dwelling unless the facility occupies **occupy** the entire structure.
- c(f) **Except in B4-B5 Business Districts, the facility shall have a** ~~the~~ minimum lot ~~size is~~ **area of** five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of two (2) guest rooms, **and** one (1) off-street parking space for every two (2) facility residents.
- f. Preliminary licensing review by the Minnesota Department of Corrections.
- h. Permission for special condition use applies to the community residential facility only as long as the number of facility residents is not increased and its purpose, licensing or location do not change and other conditions of the permit are met.

Standards and conditions in B4-B5 Business Districts:

- a. The facility serves no more than thirty-two (32) facility residents.
- b. A minimum distance of six hundred (600) feet from other licensed ~~correctional community residential facilities, licensed human service community residential facilities, transitional housing, shelters for battered persons, emergency housing, health department-licensed community residential facilities or overnight shelters.~~
- c. It shall occupy the entire structure.
- d. Preliminary licensing review by the Minnesota Department of Corrections.
- e. Permission for special conditions use applies to the facility only as long as the number of

facility residents is not increased and its purpose, licensing or location do not change, and all other conditions of the permit are met. [This is true without being stated here, and thus is unnecessary.]

Sec. 65.155. Community residential facility, health department licensed.

One (1) main building, or portion thereof, on one (1) zoning lot which is licensed by the commissioner of health as a rooming and/or boardinghouse and receives fifty (50) percent or more of its residents under a contract or other arrangement with the state or a local government human services agency to provide lodging for people who are mentally ill or chemically dependent.

Standards and conditions in RM1-RM3 Residential and B2-B3 Business Districts for health department-licensed community residential facilities and emergency housing facilities:

- (a)d The facility shall be a minimum distance of one thousand three hundred twenty (1,320) radial feet from any other health department-licensed community residential facilities, emergency housing facilities, transitional housing or shelters for battered persons with more than four (4) adult facility residents, licensed human service community residential facilities, licensed correctional community residential facilities or overnight shelters, or transitional housing facility with more than four (4) adult facility residents, except in B4-B5 Business Districts where it shall be at least six hundred (600) feet from any other such facility.
- (b)f Except in B4-B5 Business Districts, the facility It shall not be located in a planning district in which one (1) percent or more of the population lives in licensed human service community residential facilities, licensed correctional community residential facilities, health department-licensed community residential facilities, emergency housing facilities, overnight shelters, shelters for battered persons with more than four (4) adult facility residents, overnight shelters, and/or transitional housing facilities with more than four (4) adult facility residents.
- b(c) The facility shall serves no more than sixteen (16) adult facility residents and minor children in their care, except in B4-B5 Business Districts where it shall serve no more than thirty-two (32) total facility residents.
- a(d) The facility It shall not be located in a two-family or multifamily dwelling unless the facility it occupies the entire structure.
- e(e) Except in B4-B5 Business Districts, the facility shall have a minimum lot size is area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each qguest room in excess of two (2) guest rooms, and one (1) off-street parking space for every facility resident.
- g. — Permission for special condition use applies to the community residential facility only as long as the number of facility residents is not increased and its purpose or location do not change and the other conditions of the permit are met. [This is true without being stated here, and thus is unnecessary.]

Standards and conditions in B4-B5 Business Districts for health department-licensed community residential facilities and emergency housing facilities:

- a. — The facility serves no more than thirty-two (32) facility residents.
- b. — A minimum distance of six hundred (600) feet from other health department-licensed community residential facilities, emergency housing facilities, transitional housing or shelters for battered persons, licensed human service community residential facilities, licensed correctional community residential facilities or overnight shelters.
- c. — Permission for special condition use applies to the community residential facility only as long as the number of facility residents is not increased or purpose or location do not change and

~~other conditions of the permit are met.~~

Sec. 65.156. Emergency housing facility.

One (1) main building, or portion thereof, on one (1) zoning lot where persons who do not have housing live on a 24-hour-per-day basis until more permanent arrangements can be made, but generally for no longer than thirty (30) days.

Standards and conditions:

See Sec. 65.155. Community residential facility, health department licensed, standards and conditions (a)-(e).

Sec. 65.157. Overnight shelter.

One (1) main building, or portions thereof, on one (1) zoning lot where persons receive overnight shelter, but are not expected or permitted to remain on a 24-hour-per-day basis.

Condition:

The facility shall be a minimum distance of six hundred (600) feet from **any** other overnight shelters, licensed ~~human service~~ community residential facilities, ~~licensed correctional community residential facilities~~, ~~health department-licensed community residential facilities~~, ~~transitional housing~~, **emergency housing facility**, shelters for battered persons **with more than four (4) adult facility residents**, and ~~emergency housing~~ **or transitional housing facility with more than four (4) adult facility residents**.

Sec. 65.158. Shelter for battered persons.

One (1) main building, or portion thereof, on one (1) zoning lot where adults and children who have suffered assault or battery live on a 24-hour-per-day basis for a period of time generally not to exceed thirty (30) days and are served by a program certified by the Minnesota Department of Corrections.

Standards and conditions for shelters for battered persons serving more than four (4) adult facility residents and minor children in their care:

- (a) **In Residential, TN1-TN3 Traditional Neighborhood and OS-B2 Business Districts, a conditional use permit is required for facilities serving more than four (4) adult facility residents and minor children in their care.**
- (b) **a In Residential Districts, the facilities shall be located a minimum distance of one thousand three hundred twenty (1,320) feet from any other shelters for battered persons with more than four (4) adult facility residents, transitional housing facilities, licensed human service community residential facilities, licensed correctional community residential facilities, emergency housing facilities, health department-licensed community residential facilities or overnight shelters, or transitional housing facility with more than four (4) adult facility residents.**
- (c) **Except in B4-B5 Business Districts, the facility** It shall not be located in a planning district in which one (1) percent or more of the population lives in licensed ~~human service~~ community residential facilities, ~~licensed correctional community residential facilities~~, ~~health department-licensed community residential facilities~~, emergency housing facilities, ~~overnight shelters~~, shelters for battered persons **with more than four (4) adult facility residents**, ~~overnight shelters~~, and/or transitional housing facilities **with more than four (4) adult facility residents**.
- (d) **In RL-RT2 Residential, TN1-TN3 Traditional Neighborhood, OS-B3 Business and IR - I2 Industrial Districts, the facility shall serve sixteen (16) or fewer adult facility residents and**

minor children in their care.

(e)b ~~The facility~~ It shall not be located in a two-family or multifamily dwelling unless ~~the facility~~ it occupies the entire structure.

d. ~~Permission for special condition use applies only as long as the number of facility residents is not increased and its purpose or location do not change and other conditions of the permit are met.~~

~~Standards and conditions in RM1-RM2 Residential Districts for licensed human service residential facilities, shelters for battered persons, and transitional housing for seventeen (17) or more facility residents, roominghouses and boardinghouses:~~

(f)a ~~In residential districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet be provided for the first two (2) guest rooms and~~ plus one thousand (1,000) square feet for each additional guest room ~~in excess of two (2) guest rooms, and one (1) off-street parking space for every two (2) facility residents.~~

b. ~~One (1) off-street parking space for every two (2) facility residents.~~ [Moved to §63.207, Parking standards by use table.]

~~Condition in OS1-B3 Business districts for shelters for battered persons or transitional housing serving sixteen (16) or fewer facility residents:~~

~~Facilities shall not be located in a planning district in which one (1) percent or more of the population lives in licensed human service community residential facilities, licensed correctional community residential facilities, health department-licensed community residential facilities, transitional housing, shelters for battered persons, emergency housing or overnight shelters.~~

Sec. 65.159. Transitional housing facility.

One (1) main building, or portion thereof, on one (1) zoning lot where persons who may or may not have access to traditional or permanent housing but are capable of living independently within a reasonable period of time, generally about eighteen (18) months, reside on a 24-hour-per-day basis for at least thirty (30) days and participate in appropriate program activities designed to facilitate independent living.

~~Standards and conditions for transitional housing facilities serving more than four (4) adult facility residents and minor children in their care:~~

(a) ~~In Residential, TN1-TN3 Traditional Neighborhood and OS-B2 Business Districts, a conditional use permit is required for facilities serving more than four (4) adult facility residents and minor children in their care.~~

(b)a ~~In RL-RT2 Residential Districts, the facility~~ies shall be located a minimum distance of one thousand three hundred twenty (1,320) feet from ~~any~~ other transitional housing facility~~ies~~ ~~with more than four (4) adult facility residents, shelters, licensed human service community residential facility~~ies, ~~licensed correctional community residential facilities, emergency housing facility~~ies, ~~health department-licensed community residential facilities shelter for battered persons with more than four (4) adult facility residents,~~ or overnight shelters.

b. ~~Permission for special condition use applies only as long as the number of facility residents is not increased and its purpose or location do not change and other conditions of the permit are met.~~ [This is a statement that is true without being stated here, and thus is unnecessary.]

~~Standards and Conditions in the RT2 Residential District for transitional housing facilities serving seven (7) to sixteen (16) adult facility residents and minor children in their care:~~

- ~~b. A minimum distance of one thousand three hundred twenty (1,320) radial feet from other transitional housing or shelters for battered persons, licensed human service community residential facilities, licensed correctional community residential facilities, emergency housing, health department-licensed community residential facilities or overnight shelters.~~
- ~~(c)d~~ **Except in B4-B5 Business Districts, the facility** It shall not be located in a planning district in which one (1) percent or more of the population lives in licensed human service community residential facilities, licensed correctional community residential facilities, health department-licensed community residential facilities, emergency housing facilities, overnight shelters, shelters for battered persons **with more than four (4) adult facility residents, overnight shelters, and/or transitional housing facilities with more than four (4) adult facility residents.**
- ~~(d)~~ **In RL-RT1 Residential Districts, the facility shall serve six (6) or fewer adult facility residents and minor children in their care. In RT2 Residential, TN1-TN3 Traditional Neighborhood, OS-B3 Business and IR-I2 Industrial Districts, the facility shall serve sixteen (16) or fewer adult facility residents and minor children in their care.**
- ~~(e)a~~ **In RL-RT2 Residential Districts, the facility** It shall not be located in a two-family or multifamily dwelling unless the facility **it** occupies the entire structure.
- ~~(f)c~~ **In residential districts, one (1) off-street parking space shall be provided for every two (2) facility residents.**
- ~~e. Permission for special condition use applies only as long as the number of facility residents is not increased and its purpose or location do not change and other conditions of the permit are met.~~

~~Standards and conditions in RM1-RM2 Residential Districts for transitional housing serving five (5) to sixteen (16) adult facility residents and minor children in their care and shelters for battered persons serving five (5) to sixteen (16) adult facility residents and minor children in their care:~~

- ~~a. One (1) off-street parking space for every two (2) facility residents. [Moved to §63.207, Parking standards by use table.]~~
- ~~b. It shall not be located in a planning district in which one (1) percent or more of the population lives in licensed human service community residential facilities, licensed correctional community residential facilities, health department-licensed community residential facilities, emergency housing facilities, overnight shelters, shelters for battered persons and/or transitional housing facilities.~~
- ~~c. Permission for special condition use applies only as long as the number of facility residents is not increased and its purpose or location do not change and other conditions of the permit are met.~~

~~Standards and conditions in RM1-RM2 Residential Districts for licensed human service residential facilities, shelters for battered persons, and transitional housing for seventeen (17) or more facility residents, roominghouses and boardinghouses:~~

- ~~(g)a~~ **In Residential Districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet be provided for the first two (2) guest rooms and plus one thousand (1,000) square feet for each additional guest room in excess of two (2) guest rooms.**

b. ~~One (1) off-street parking space for every two (2) facility residents.~~

Secs. 65.160 - 65.169. Reserved.

[Sec. 65.160-161. reserved for possible additional congregate living uses such as “*inebriate housing*” and “*supportive housing*” with definitions, standards and conditions similar to those in the Minneapolis zoning code.]

Sec. 65.170. Boardinghouse.

Any roominghouse which provides meals to its roomers.

Sec. 65.171. Roominghouse.

- (1) Any residential structure or dwelling unit, supervised or not, which provides living and sleeping arrangements for more than four (4) unrelated individuals for periods of one week or longer; or
- (2) Any residential structure or dwelling unit which provides single room occupancy (SRO) housing as defined in CFR Section 882.102 to more than four (4) unrelated individuals; or
- (3) Any building housing more than four (4) unrelated individuals which has any of the following characteristics shall be considered and regulated as a roominghouse:
 - a. Rental arrangements are by the rooming unit rather than the dwelling unit.
 - b. Rooming unit doors are equipped with outer door locks or chains which require different keys to gain entrance.
 - c. Kitchen facilities may be provided for joint or common use by the occupants of more than one rooming unit.
 - d. Rooming units are equipped with telephones having exclusive phone numbers.
 - e. Rooming units are equipped with individual intercom security devices.
 - f. Each rooming unit has a separate assigned mailbox or mailbox compartment for receipt of U.S. mail.

Standards and conditions, except in B4-B5 Business RM1-RM2 Residential Districts:

- (a) ~~A minimum lot area of five thousand (5,000) square feet be provided for the first two (2) guest rooms and~~ **plus one thousand (1,000) square feet for each additional guest room in excess of two (2) guest rooms.**
- (b) One (1) off-street parking space for every two (2) facility residents.

Secs. 65.172 - 65.179. Reserved.

Sec. 65.180. Assisted living.

A facility licensed by the Minnesota Department of Health where individualized home care aide services or home management services are provided to residents either by the management or by providers under contract with the management.

Standards and conditions:

See Sec. 65.182. Nursing home.

Sec. 65.181. Boarding care home.

A building or structure where aged or infirm persons reside on a twenty-four-hour basis in order to receive custodial care and related personal services; for purposes of this code, the same as a nursing home.

Sec. 65.182. Nursing home.

A building or structure where aged or infirm persons reside on a twenty-four (24) hour basis in order to receive nursing care and related services.

Standards and conditions:

- (a) The yard requirements for multiple-family use in the district apply.
- (b) In Traditional Neighborhood Development Districts, a facility located within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.
- (c) In Traditional Neighborhood Development Districts, the site shall contain a minimum of one hundred fifty (150) square feet of green space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement.

Sec. 65.183. Hospice.

One (1) main building, or portion thereof, on one (1) zoning lot in which terminally ill persons live in order to receive appropriate Medicare-certified hospice services.

Standards and conditions:

- (a) A conditional use permit is required for hospices serving seventeen (17) or more facility residents.
- (b) In RL-RT1 Residential Districts, the facility shall serve six (6) or fewer facility residents. In RT2-RM1 Residential and OS-B3 Business Districts, the facility shall serve sixteen (16) or fewer facility residents.
- (c) The yard requirements for multiple-family use in the district apply.

Secs. 65.184 - 65.189. Reserved.

Sec. 65.190. Dormitory.

A building designed for or used as group living quarters for students of a high school, college, university or seminary, organized and owned by a high school, college, university or seminary.

Standards and conditions:

- (a) In Residential and TN1 Traditional Neighborhood Districts, a conditional use permit is required for off-campus dormitories.
- (b) The use must be within two hundred fifty (250) feet of the campus of the institution it serves, for a college, university, seminary or other such institution of higher learning as established in a conditional use permit. In RL-R4 Residential Districts, the use shall be on the campus.
- (c) The yard requirements for multiple-family use in the district apply when the use is not located on a campus established in a conditional use permit.

Sec. 65.191. Fraternity, sorority house.

A building used as group living quarters for students of a college, university or seminary, who are members of a fraternity or sorority that has been officially recognized by the college, university or

seminary.

Standards and conditions:

- (a) In Residential and TN1 Traditional Neighborhood Districts, a conditional use permit is required for off-campus fraternities and sororities.
- (b) The use must be within two hundred fifty (250) feet of the campus boundary as established in the conditional use permit for the institution it serves. In RL-R4 Residential Districts, the use shall be on the campus.
- (c) ~~a~~ If it is outside of the campus boundary, the proposed use must be located in an existing structure designed and built as a one- or two-family dwelling unit or new structure that meets the height, density and setback requirements for a two-family dwelling units if it is outside of the campus boundary but within two hundred fifty (250) feet of it.
- ~~b. Off-street parking provided must be consistent with the requirements specified in sections 62.103 and 62.104(12). [This is a statement that is true without being stated here, and is unnecessary]~~

~~Sorority house.—~~

~~A building used as group living quarters for students of a college, university or seminary, who are members of a sorority that has been officially recognized by the college, university or seminary.~~

ARTICLE III. 65.200. CIVIC AND INSTITUTIONAL USES

Division 1. 65.210. Educational Facilities

Sec. 65.211. Day care.

The care of one or more children on a regular basis, for periods of less than twenty-four (24) hours per day, in a place other than the child's own dwelling unit. Day care includes family day care, group family day care and group day care, as hereinafter defined.

- (1) *Family Day Care.* A day care program providing care for not more than ten (10) children at one time, and which is licensed by the county as a family day care home. The licensed capacity must include all children of any caregiver when the children are present in the residence.
- (2) *Group Family Day Care.* A day care program providing care for no more than fourteen (14) children at any one time of which no more than ten (10) are under school age and which is licensed by the county as a group family day care home. The licensed capacity must include all children of any caregiver when the children are present in the residence.
- (3) *Group Day Care.* A day care program providing care for more than six (6) children at one time and licensed by the state or the city as a group day care center. Group day care includes programs for children known as nursery schools, day nurseries, child care centers, play groups, day care centers for school age children, after school programs, infant day care centers, cooperative day care centers and Head Start programs.

Standards and conditions:

- (a) In RL-R4 Residential Districts, group day care for more than twelve (12) children at one time shall be located in a nonresidential structure formerly occupied by a church, school or similar

facility. In industrial districts, group day care shall be accessory to a principal use permitted in the district. [This amendment is necessary to bring the Zoning Code into compliance with Minnesota Statutes §245A.14, Sub. 1, Permitted single-family residential use, which states, "A licensed nonresidential program with a licensed capacity of 12 or fewer persons . . . shall be considered a permitted single-family residential use of property for the purposes of zoning and other land use regulations.]

- (b) A fence at least three and one-half (3½) feet in height shall surround all play areas located in a front yard or adjacent to a public or private street.

Sec. 65.212. School, grades K-12.

Development standard:

The school shall offer courses in general education, and shall not be operated for profit.

Secs. 65.213 - 65.219. Reserved.

Sec. 65.220. College, university, seminary, or similar institution of higher learning.

An institution for post-secondary education, public or private, offering courses in general, technical, or religious education and not operated for profit, which operates in buildings owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities, and sororities, but not including colleges or trade schools operated for profit.

Standards and conditions except in ~~OS-B3~~ B4-B5 Business Districts:

- a. ~~Dormitories or other group student housing shall not be permitted within the district;~~ [With the restriction in Sec. 61.190 Dormitory that it be within 250 feet of the campus, this is unnecessary. Dormitories are desired as part of college campuses in Traditional Neighborhood Development Districts.]
- (a)b When an institution is established in the district, the institution it shall be required to provide the minimum number of off-street parking spaces **required by this code** for employees, staff, or students as set forth in section 62.103(g). The institution shall be required to provide additional parking spaces only when the minimum number of parking spaces will have to be increased due to a more than ten (10) percent or three hundred (300) gain in the total number of employees, staff **and** or students, whichever is less. Thereafter, additional parking spaces will have to be provided for each subsequent gain of more than ten (10) percent or three hundred (300) in the total number of employees, staff or students; ~~and c.~~ To determine compliance with parking requirements in ~~item b. above,~~ the institution must file an annual report with the planning administrator stating the number of employees, staff and students associated with the institution.

Standards and conditions in ~~RL-RM3~~ Residential Districts:

- (b)f A theater, auditorium or sports arena located on a college, university or seminary campus must provide off-street parking within six hundred (600) feet of the building to be served as measured from a principal entrance to the building to the nearest point of the off-street parking facility, and also provide the number of parking spaces specified in section ~~632.200+03~~ 632.200+03. The planning commission, after public hearing, may determine that the existing parking provided by the institution for students, employees and dormitory beds meets this parking requirement based upon the following:
 - (1): The spaces are within six hundred (600) feet of the building they are intended to serve, as measured from a principal entrance to the building to the nearest point of the off-street parking lot; and
 - (2): It can be demonstrated by the institution that the spaces are not needed by students and

employees during times when events attracting nonstudents and nonemployees are to be held.

Additional standards and conditions in Residential Districts:

- (c) ~~a~~ The campus boundary as defined under subparagraph ~~d~~(f) below at some point shall be adjacent to a major thoroughfare as designated on the major thoroughfare plan.
- (d) ~~b~~ Buildings shall be set back a minimum of fifty (50) feet from every property line, plus an additional two (2) feet for every foot the building's height exceeds fifty (50) feet.
- (e) ~~c~~ On a campus of five (5) acres or more, no building shall exceed ninety (90) feet in height; on a campus smaller than five (5) acres, no building shall exceed forty (40) feet in height.
- (f) ~~d~~ The boundaries of the institution shall be as defined in the permit, and may not be expanded without the prior approval of the planning commission, as evidenced by an amended ~~special~~ conditional use permit. The campus that is defined by the boundaries shall be a minimum of three (3) acres, and all property within the campus boundaries must be contiguous.

The applicant shall submit an "anticipated growth and development statement" for approval of a new or expanded campus boundary, which statement shall include but not be limited to the following elements:

- (1) Proposed new boundary or boundary expansion.
- (2) Enrollment growth plans that include planned or anticipated maximum enrollment by major category (full-time, part-time, undergraduate, graduate) over the next ten (10) years and also the anticipated maximum enrollment over the next twenty (20) years.
- (3) Plans for parking facilities over the next ten (10) years, including potential locations and approximate time of development.
- (4) Plans for the provision of additional student housing, either on-campus or off-campus in college-controlled housing.
- (5) Plans for use of land and buildings, new construction and changes affecting major open space.
- (6) An analysis of the effect this expansion (or new campus) will have on the economic, social and physical well-being of the surrounding neighborhood, and how the expansion (or new campus) will benefit the broader community.

Approval of a new or expanded campus boundary shall be based on an evaluation using the general standards for ~~special~~ conditional uses found in section 614.3500, and the following criteria:

- (i) Anticipated undergraduate student enrollment growth is supported by plans for student housing that can be expected to prevent excessive increase in student housing demand in residential neighborhoods adjacent to the campus.
- (ii) Potential parking sites identified in the plan are generally acceptable in terms of possible access points and anticipated traffic flows on adjacent streets.
- (iii) Plans for building construction and maintenance of major open space areas indicate a sensitivity to adjacent development by maintaining or providing adequate and appropriately located open space.
- (iv) The proposed new or expanded boundary and the "anticipated growth and development statement" are not in conflict with the city's comprehensive plan.

(g)e The institution shall not exceed by more than ten (10) percent or three hundred (300), whichever is less, the student enrollment, staff and employee size and/or dormitory bed levels identified in the permit unless required off-street parking is provided and approved by the commission.

~~g. For institutions existing as of the date of adoption of this ordinance amendment by the city council, the planning commission shall issue special condition use permits, which permits shall establish the boundaries, existing off-street parking, student enrollment, staff and employee size and dormitory bed levels. In the issuance of special condition use permits, the commission shall follow the procedures set forth in section 64.300; provided, that mailed notices of a hearing to owners of record of property within three hundred fifty (350) feet of the proposed campus boundaries shall not be required. [This is no longer needed.]~~

Division 2. 65.230. Social, Cultural, and Recreational Facilities

Sec. 65.231. Cemetery, mausoleum.

Condition in Residential Districts:

The use shall have which lawfully occupied ~~and~~ the property at the time of adoption of this code.

Sec. 65.232. Club.

An organization of persons for special purpose or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit, excluding churches, synagogues or other houses of worship.

Sec. 65.233. Golf course.

Standards and conditions:

- (a) The site shall be so planned as to provide principal access directly onto or from a major thoroughfare as designated on the major thoroughfare plan. [in definition] ~~b. The site plan shall be laid out, and~~ to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways and parking areas which will that encourages pedestrian and vehicular traffic safety.
- (bc) Development features, including the principal and accessory buildings and structures, shall be so located and related so as to minimize the possibilities of any adverse effects upon adjacent property. All principal or accessory buildings or structures shall be situated at least two hundred (200) feet from any property line abutting residentially zoned or used lands; provided, that where topographic conditions are such that buildings would be screened from view, the planning commission may modify this requirement.
- (cd) In residential districts, the course shall consist of at least nine (9) holes and shall not include driving ranges, "pitch and putt" miniature golf courses. [Existing golf courses in residential zones in St. Paul typically have accessory driving ranges.]
- (de) Golf courses shall not be lighted for night use.

Sec. 65.234. Museum.

Standards and conditions:

- (a) In the TN1 Traditional Neighborhood District, a conditional use permit is required for

museums of more than 10,000 square feet in gross floor area.

- (b) In Traditional Neighborhood Districts, a museum located within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.

Sec. 65.235. Recreation, noncommercial.

Recreational areas including private, noncommercial recreation areas, institutional, municipal or community recreation centers, and nonprofit swimming pool clubs.

Standards and conditions in Residential Districts:

- (a) The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting a major thoroughfare as designated on the major thoroughfare plan [in definition], and the site shall be so planned as to provide principal access directly to said major thoroughfare.
- (b) All yards shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these minimum yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.
- (c) Whenever a swimming pool is constructed under this subparagraph, said pool area shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.

Division 3. 65.250. Religious Institutions

Sec. 65.271. Rectory, parsonage.

Condition:

The use shall be associated with a church, chapel, synagogue, temple or other similar house of worship.

Sec. 65.272. Convent, monastery, religious retreat.

Condition in Residential Districts:

The use shall be associated with a church, chapel, synagogue, temple or other similar house of worship.

ARTICLE IV. 65.300. PUBLIC SERVICES AND UTILITIES

Sec. 65.310. Antenna, cellular telephone.

A device consisting of a metal, carbon fibre, or other electromagnetically conductive rods or elements, usually arranged in a circular array on a single supporting pole or other structure, and used for the transmission and reception of radio waves in wireless telephone communications.

Standards and conditions:

~~Sec. 60.412(16) [RLL-R4] Cellular telephone antennas located on an existing residential structure at least sixty (60) feet high; on a utility monopole at least sixty (60) feet high existing at the time of adoption of this amendment; [when? date?] on, and supported by, a utility lattice pole at least sixty (60)~~

~~feet high existing at the time of adoption of this amendment; [when? date?] or on an existing institutional use structure, subject to the following conditions:~~

(a) ~~In Residential Districts, a conditional use permit is required for cellular telephone antennas on a residential structure less than sixty (60) feet high. In Residential, Traditional Neighborhood and Business Districts, a conditional use permit is required for cellular telephone antennas on a freestanding pole, except for existing utility poles. In Residential and Traditional Neighborhood Districts, existing utility poles to which cellular telephone antennas are attached shall be at least sixty (60) feet high.~~

(b)a. ~~In Residential, Traditional Neighborhood, and OS-B3 and B5 Business Districts, the antennas shall not extend more than fifteen (15) feet above the structural height of the structure to which they are attached. In B4 Business and Industrial Districts, the antennas shall not extend more than forty (40) feet above the structural height of the structure to which they area attached.~~

b. ~~Antennas located in historic districts or on historic buildings shall be subject to the review and approval of the historic preservation commission. [Duplicates (f) below.]~~

c. ~~Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building, section 62.106, and shall be screened from view by landscaping where appropriate. [Duplicates (h) below.]~~

~~Sec. 60.413(17) [RLL-R4] Cellular telephone antennas located on an existing residential structure less than sixty (60) feet high, subject to the following conditions:~~

(c)a. ~~For antennas proposed to be located on a residential structure less than sixty (60) feet high in Residential Districts, or on a new freestanding pole in Residential, Traditional Neighborhood, and Business Districts, the applicant shall demonstrates that the proposed antennas cannot be accommodated on an existing freestanding pole, an existing residential structure at least sixty (60) feet high, an existing institutional use structure, or a business building within one-half (½) mile radius of the proposed antennas due to one (1) or more of the following reasons:~~

(1): ~~The planned equipment would exceed the structural capacity of the existing pole or structure.~~

(2): ~~The planned equipment would cause interference with other existing or planned equipment on the pole or structure.~~

(3): ~~The planned equipment cannot be accommodated at a height necessary to function reasonably.~~

(4): ~~The owner of the existing pole, structure or building is unwilling to co-locate an antenna.~~

b. ~~The antennas shall not extend more than fifteen (15) feet above the structural height of the structure to which they are attached. [Duplicates (b) above.]~~

c. ~~Antennas located in historic districts or on historic buildings shall be subject to the review and approval of the heritage preservation commission. [Duplicates (f) below]~~

d. ~~Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building, section 62.106, and shall be screened from view by landscaping where appropriate. [Duplicates (h) below.]~~

~~Sec. 60.413(18) [RLL-R4] Cellular telephone antennas located on a freestanding pole on institutional use property, subject to the following conditions:~~

~~a. The applicant demonstrates that the proposed antennas cannot be accommodated on an existing freestanding pole, an existing residential structure at least sixty (60) feet high, an existing institutional use structure, or a business building within one-half (1/2) mile radius of the proposed antennas due to one (1) or more of the following reasons:~~

- ~~1. The planned equipment would exceed the structural capacity of the existing pole or structure.~~
- ~~2. The planned equipment would cause interference with other existing or planned equipment on the pole or structure.~~
- ~~3. The planned equipment cannot be accommodated at a height necessary to function reasonably.~~
- ~~4. The owner of the existing pole, structure or building is unwilling to co-locate an antenna.~~

[Duplicates (c) above.]

(d)b. In Residential, Traditional Neighborhood and Business Districts, cellular telephone antennas to be located on a new freestanding pole are subject to the following standards and conditions:

- (1)** The freestanding pole shall not exceed seventy-five (75) feet in height, unless the applicant demonstrates that the surrounding topography, structures, or vegetation renders a seventy-five-foot pole impractical. Freestanding poles may exceed the above height limit by twenty-five (25) feet if the pole is designed to carry two (2) antennas.
- (2)** ~~c.~~ Antennas shall not be located in a required front or side yard and shall be set back one (1) times the height of the antenna plus ten (10) feet from the nearest residential structure.
- (3)** ~~d.~~ The antennas shall be designed where possible to blend into the surrounding environment through the use of color and camouflaging architectural treatment. Drawings or photographic perspectives showing the pole and antennas shall be provided to the planning commission to determine compliance with this provision.

~~e. Antennas located in historic districts shall be subject to the review and approval of the heritage preservation commission.~~ [Duplicates (f) below.]

~~f. Freestanding poles shall be a monopole design.~~ [Duplicates (g) below.]

~~g. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building, section 62.106, and screened from view by landscaping where appropriate.~~ [Duplicates (h) below.]

- (4) h. In Residential and Traditional Neighborhood Districts, the zoning lot on which the pole is located shall be on institutional use property at least one (1) acre in area. In Business Districts, the zoning lot on which the pole is located shall be within contiguous property with OS or less restrictive zoning at least one (1) acre in area.**

~~Sec. 60.462(8) [RM3] Cellular telephone antennas located on an existing residential structure at least sixty (60) feet high; on a utility monopole at least sixty (60) feet high existing at the time of adoption of this amendment; on, and supported by, a utility lattice pole at least sixty (60) feet high existing at the time of adoption of this amendment; or on an existing institutional use structure as regulated in the R-1 through R-4 districts, section 60.412(16).~~ [Duplicates (a) and (b) above.]

~~Sec. 60.463(7) [RM3] Cellular telephone antennas located on an existing residential structure less than sixty (60) feet high, as regulated in the R-1 through R-4 districts, section 60.413(17).~~ [Covered in (a), (b) and (c) above.]

~~Sec. 60.463(8) [RM3] Cellular telephone antennas located on a freestanding pole on institutional use property, as regulated in the R-1 through R-4 districts, section 60.413(18). [Covered in (a), (c) and (d) above.]~~

~~Sec. 60.512(11) [OS1] Cellular telephone antennas located on an existing structure, subject to the following conditions:~~

- ~~a. The antennas shall not extend more than fifteen (15) feet above the structural height of the structure to which they are attached. [Duplicates (b) above.]~~
- ~~b. Antennas located in historic districts or on historic buildings shall be subject to the review and approval of the heritage preservation commission. [Duplicates (f) below.]~~
- ~~c. Antennas on lattice towers may be laterally supported by the tower. [Unnecessary]~~
- ~~d. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building, section 62.106, and screened from view by landscaping where appropriate. [Duplicates (h) below.]~~

~~Sec. 60.514(5) [OS1] Cellular telephone antennas located on a freestanding pole, subject to the following conditions:~~

- ~~a. The applicant demonstrates that the proposed antennas cannot be accommodated on an existing freestanding pole, an existing residential structure at least sixty (60) feet high, an existing institutional use structure, or a business building within one-half (½) mile radius of the proposed antennas due to one (1) or more of the following reasons:~~
 - ~~1. The planned equipment would exceed the structural capacity of the existing pole or structure.~~
 - ~~2. The planned equipment would cause interference with other existing or planned equipment on the pole or structure.~~
 - ~~3. The planned equipment cannot be accommodated at a height necessary to function reasonably.~~
 - ~~4. The owner of the existing pole, structure or building is unwilling to co-locate an antenna. [Duplicates (c) above.]~~
- ~~b. The freestanding pole shall not exceed seventy-five (75) feet in height, unless the applicant demonstrates that the surrounding topography, structures, or vegetation renders a seventy-five-foot pole impractical. Freestanding poles may exceed the above height limit by twenty-five (25) feet if the pole is designed to carry two (2) antennas. [Duplicates (d)(1) above.]~~
- ~~c. Antennas shall not be located in a required front or side yard and shall be set back one (1) times the height of the antenna plus ten (10) feet from the nearest residential structure. [Duplicates (d)(2) above.]~~
- ~~d. The antennas shall be designed where possible to blend into the surrounding environment through the use of color and camouflaging architectural treatment. Drawings or photographic perspectives showing the pole and antennas shall be provided to the planning commission to determine compliance with this provision. [Duplicates (d)(3) above.]~~
- ~~e. Antennas located in historic districts shall be subject to the review and approval of the heritage preservation commission. [Duplicates (f) below.]~~
- ~~f. Freestanding poles shall be a monopole design. [Duplicates (g) below.]~~

~~g. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building, section 62.106, and shall be screened from view by landscaping where appropriate. [Duplicates (h) below.]~~

~~h. The zoning lot on which the pole is located shall be within contiguous property with OS-1 or less restrictive zoning and at least one (1) acre in area. [Moved to (d)(4) above.]~~

~~Sec. 60.534(3) [B1] Cellular telephone antennas located on a freestanding pole, as regulated in the OS-1 district, section 60.514(6)a. through g. [Covered in (a), (c) and (d) above and (f), (g) and (h) below.]~~

~~Sec. 60.554(2)a. [B-2C] The special conditions imposed for each use in the B-2 Community Business District, except that cellular antennas located on a freestanding pole shall be subject to the additional conditions that the zoning lot on which the pole is located shall be within contiguous property zoned B-2C and at least one (1) acre in area. [Covered in (d)(4) above.]~~

~~Sec. 60.564(20) [B3] Cellular telephone antennas located on a freestanding pole, as regulated in the OS-1 District, section 60.514(6)a. through g. [Covered in (a), (c), (d), (f), (g), and (h).]~~

~~Sec. 60.572(16) [B4] Cellular telephone antennas located on an existing structure as permitted and regulated in the OS-1 Business District, section 60.512(8), except that antennas may extend up to forty (40) feet above the structural height of the structure to which they are attached. [Covered in (b), (f) and (h).]~~

~~Sec. 60.574(14) [B4] Cellular telephone antennas located on a freestanding pole as regulated in the OS-1 Business District, section 60.514(6)a. through g. [Covered in (c), (d), (f), (g) and (h).]~~

~~Sec. 60.613(23) [I1] Cellular telephone antennas located on an existing structure as permitted and regulated in the B-4 Business District, section 60.552(16). [Duplicates (b) above.]~~

~~Sec. 60.613(24) [I1] Cellular telephone antennas located on a freestanding pole, subject to the following conditions:~~

~~(e)a. In Industrial Districts, The cellular telephone antennas on a freestanding pole shall not exceed one hundred fifty (150) feet in height, shall not be located in a required front or side yard, and shall be set back one (1) times the height of the antenna plus ten (10) feet from the nearest residential structure.~~

~~(f)b. Antennas located in historic districts shall be subject to review and approval of the heritage preservation commission.~~

~~(g)c. Freestanding poles shall be a monopole design.~~

~~(h)d. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building, section 632.500+06, and screened from view by landscaping where appropriate.~~

~~(i) Sec. 62.120. Nonuse of cellular telephone antennas. Cellular telephone antennas that are no longer used for cellular telephone service shall be removed within one (1) year of nonuse.~~

~~(C.F. No. 97-565, § 21, 6-11-97) [Moved from §62.120 to this more logical location.]~~

~~Sec. 60.632(3) [I3] Cellular telephone antennas, as permitted and regulated in the I-1 Industrial District, section 60.612(23) and (24). [Covered in (b), (e), (f), (g) and (h).]~~

Sec. 65.311. Antenna, public utility microwave.

A parabolic dish or cornucopia shaped electromagnetically reflective or conductive element used for the transmission and/or reception of point-to-point UHF or VHF radio waves in wireless telephone communications, and including the supporting structure thereof.

Standards and conditions:

- (a) The antennas, transmitting towers or array of towers shall be located on a continuous parcel having a dimension equal to the height of the antenna, transmitting tower or array of towers measured between the base of the antenna or tower located nearest to a property line, unless a qualified structural engineer shall specify in writing that the collapse of any antenna or tower will occur within a lesser distance under all foreseeable circumstances.
- (b) The ~~proposed~~ installation shall meet all requirements as outlined under section 612.400+08, site plan review.

Sec. 65.312. Antenna, radio and television, broadcast transmitting.

A wire, set of wires, metal or carbon fibre rod or other electromagnetic element used to transmit public or commercial broadcast radio or television programming, and including the supporting structure thereof.

Standards and conditions:

See Sec. 65.311. *Antenna, public utility microwave.*

Sec. 65.313. Antenna, satellite dish.

A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVRO's (television receive only), and satellite microwave antennas.

Standards and conditions:

- (a) ~~Except in Industrial Districts, commercial, private and public satellite dish transmitting or receiving antennas shall not exceed three (3) meters in diameter.~~
- (b) ~~In the I1 Industrial District, a conditional use permit is required for satellite dish antennas in excess of three (3) meters in diameter.~~
- (c)a Satellite dish antennas shall be located on zoning lots of sufficient size to assure that an obstruction-free transmit-receive window or windows can be maintained within the limits of the property ownership.
- (d)b Except where the antenna is screened by a structure exceeding the antenna height, landscape buffering and screening shall be maintained on all sides of the satellite dish antenna in a manner in which growth of the landscape elements will not interfere with the transmit-receive window.
- (e)c The ~~proposed~~ installation shall meet all requirements as outlined under section 612.400+08, site plan review.

Secs. 65.314 - 65.319. Reserved.

Sec. 65.320. Electric transformer or gas regulator station.

Standards and conditions in Business Districts.

There may be service yards, but there shall be no storage yards.

Sec 65.321. Municipal building or use.

Development standard in Residential, Traditional Neighborhood, and OS-B4 Business Districts:

There shall be no outdoor storage.

Sec. 65.322. Utility or public service building.

Utility and public service buildings include such things as water and sewage pumping stations and telephone exchange buildings.

Standards and conditions in Residential, Traditional Neighborhood, and OS-B4 Business Districts:

- (a) Except for off-street parking and loading, the use shall be completely enclosed within a building. There shall be no outside storage.
- (b) Except in Business Districts, the application shall include substantiating evidence that operating requirements necessitate locating the use within the district in order to serve the immediate vicinity.

Secs. 65.323 - 65.329. Reserved.

Sec. 65.330. Yard waste site, commercial.

A privately owned or leased site that has been approved by the city, Ramsey County and the Minnesota Pollution Control Agency for the storage, transfer or composting of yard waste.

Standards and conditions:

See Sec. 65.331. Yard waste site, municipal.

Sec. 65.331. Yard waste site, municipal.

A site owned or leased by a governmental entity and approved by the city, Ramsey County and the Minnesota Pollution Control Agency for the storage, transfer or composting of yard waste.

Standards and conditions:

- (a) Only yard waste and no other types of solid waste shall be accepted;
- (b) The municipal yard waste site shall be located no closer than three hundred (300) feet from any residentially used property as measured from the edge of the nearest compost pile to the nearest residentially used property.
- (c) The municipal yard waste site shall be enclosed by fencing or shall limit vehicular and pedestrian access through the use of berms, trees or other means; In industrial districts, the site may have greenhouses for composting yard waste.
- (d) The height of the compost pile shall be limited to no higher than fifteen (15) feet above grade; In residential districts, the size of the municipal yard waste site shall be limited to no more than three thousand (3,000) cubic yards of material per acre;
- (e) The site shall be maintained cleanly including the immediate removal of waste materials deposited on or near the site which cannot be composted; and.

ARTICLE V. 65.400. COMMERCIAL USES

Division 1. 65.410. Offices

Sec. 65.411. Artist's studio.

A place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan or crafts person, including persons engaged in the application, teaching or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture and writing.

Sec. 60.412. Professional office.

Professional offices include, but are not limited to, offices of accountants, architects, attorneys, auditors, bookkeepers, engineers and financial planners.

Division 2. 65.450. Medical Facilities

Sec. 65.451. Clinic, medical or dental.

An establishment where human patients who are not lodged overnight are admitted for examination and/or treatment by a group of physicians, dentists or similar professionals.

Sec. 65.452. Hospital.

An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

Standards and conditions:

- (a) In RM2-RM3 Residential ~~and TN2-TN3 Traditional Neighborhood~~ Districts, for hospitals; and other ~~similar~~ health and medical institutions ~~shall~~ qualifying as nonprofit institutions under the laws of the State of Minnesota, ~~and b: the proposed site shall have at least one property line abutting a major thoroughfare as designated on the major thoroughfare plan. All access to any off-street parking area shall be directly from a major thoroughfare. direct access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site.~~
- (b) ~~a~~ In RM2-RM3 Residential Districts, all such hospitals and similar health and medical institutions shall be developed only on sites consisting of at least five (5) acres in area, there shall be no height limitations placed on the principal structure, ~~and c: the minimum distance of any main or accessory building from bounding lot lines or streets shall be at least fifty (50) feet for front, rear, and side yards for all two-story structures. For every story above two (2) the minimum yard distance shall be increased by at least twenty (20) feet.~~

[NOTE: Hospitals/health and medical institutions should eventually be deleted as a special condition use in RM2-RM3 Residential Districts. There are no longer any hospitals in residential districts. If new hospitals are developed, they should go into B3-B5 Business or I1 industrial Districts. Before this category is deleted as a special condition use in RM2-RM3 Residential Districts, however, the old Midway Hospital site should be rezoned to a more appropriate zoning category, such as the TN2 Traditional Neighborhood District, so that the current medical office use does not become a legal nonconforming use.]

Sec. 65.453. Veterinary clinic.

An establishment for the routine examination, medical or surgical treatment and care of domestic

household pets generally with overnight boarding facilities for pets in care but without kenneling of animals.

Standards and conditions:

All activity shall take place within completely enclosed buildings with soundproofing and odor control; outdoor kennels are prohibited. In Traditional Neighborhood and B2 Business Districts, there shall be no kenneling of animals not under medical treatment.

Division 3. 65.500. Retail Sales and Services

Sec. 65.510. General retail.

General retail sales include the retail sale of products to the general public, sometimes with provision of related services, and produce minimal off-site impacts. General retail sales include but are not limited to the following:

- (a) antiques and collectibles store
- (b) art gallery
- (c) bicycle sales and repair
- (d) book store, music store
- (e) clothing and accessories
- (f) drugstore, pharmacy
- (g) electronics sales and repair
- (h) florist
- (i) jewelry store
- (j) hardware store
- (k) news stand, magazine sales
- (l) office supplies
- (m) pet store
- (n) photographic equipment, film developing
- (o) stationery store
- (p) picture framing
- (q) video store

Standards and conditions:

In TN2-TN3 Traditional Neighborhood Districts, these uses are intended to be of a moderate size compatible with neighborhood-level retail, and a conditional use permit is required for establishments of more than 10,000 square feet in gross floor area.

Sec. 65.511. Business sales and services.

Business sales and services include, but are not limited to, machinery sales and janitorial services.

Sec. 65.512. Currency exchange.

Currency exchange, as defined in Minnesota Statutes Section 53A.01, means any person, except a bank, trust company, savings bank, savings and loan association, credit union, or industrial loan and thrift company, engaged in the business of cashing checks, drafts, money orders or travelers' checks for a fee. "Currency exchange" does not include a person who provides these services incidental to the person's primary business if the charge for cashing a check or draft does not exceed one dollar (\$1.00) or one (1) percent of the value of the check or draft, whichever is greater.

Standards and conditions:

The currency exchange business shall be located at least one hundred (100) feet from any ~~residential lot in a residential district or at least one hundred (100) feet from any residential lot~~ occupied with a one-, two-, ~~three-, four-, townhouse,~~ or multiple-family dwelling, measured from the closest point of the building in which the business is located to the closest residential property line.

Sec. 65.513. Drive-through sales and services, primary and accessory.

Standards and conditions:

- (a) Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling.
- (b) Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property. [Note: This is the same standard as for fast-food restaurants.]
- (c) Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property. [Note: This is the same standard as for fast-food restaurants.]
- (d) A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.

Additional condition in the TN2 Traditional Neighborhood District:

- (e) There shall be no more than one (1) drive-through lane and no more than two (2) drive-through service windows, with the exception of banks, which may have no more than three (3) drive-through lanes. [Sometimes one window is for paying and a second window is for picking up food.]

Sec. 65.514. Dry cleaning, commercial laundry.

Standards and conditions:

In **Traditional Neighborhood, B1-B2 Business, and B4 Business** Districts, the establishment shall deal directly with the customer, and shall serve no more than one (1) retail outlet.

[Note: This change to allow dry cleaning establishments serving more than one retail outlet in B3 is recommended by LIEP staff. Currently, almost all such facilities in St. Paul are in B3 zones (4 of 6), and they are a reasonable use in B3.]

Sec. 65.515. Florist.

Retail business whose principal activity is the selling of plants which are not grown on the site and conducting business within an enclosed building. (See *Sec. 65.510. General retail.*)

Sec. 65.516. Food and related goods sales.

Retail sales of food and related goods include the following:

- (a) grocery store, supermarket
- (b) butcher shop
- (c) bakery
- (d) candy store
- (e) produce shop, or other specialty food shop
- (f) retail food establishment
- (g) catering

Standards and conditions:

See Sec. 65.510. General retail.

Sec. 65.517. Food shelf.

A place where groceries are provided at no cost to individuals in emergency situations and where such groceries are consumed off-site.

Sec. 65.518. Garden center, outdoor.

Outdoor retail sales of plants not grown on the site, lawn furniture, playground equipment, and garden supplies.

Standards and conditions in TN2-TN3 Traditional Neighborhood Districts:

- (a) There shall be no exterior storage of bulk materials such as dirt, sand, gravel and building materials.

Standards and conditions in B2-B3 Business and IR-I2 Industrial Districts:

- (b)^a The use is accessory to a principal use permitted in the district.
- (c)^b The zoning lot on which it is located is at least twenty thousand (20,000) square feet in area.
- (d)^c The use shall be located at the end or rear of the building.

Sec. 65.519. Greenhouse.

Retail business whose principal activity is the selling of plants grown on the site, which may have outside storage, growing or display, and may include sales of lawn furniture, playground equipment and garden supplies.

Standards and conditions:

- (a) The storage or display of any materials or products shall meet all setback requirements of a structure.
- (b) All loading and parking shall be provided off-street.
- (c) The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.

Sec. 65.520. Gun shop, shooting gallery.

A gun shop is a business of any size occupied by a firearms dealer where: (a) a majority of the gross floor area is devoted to display and sales of firearms, ammunition, or both; or (b) one thousand two hundred (1,200) square feet or more of floor area are devoted to display and sales of firearms, ammunition, or both; provided, however, that a business shall not be deemed a gun shop if **only** during the months of September, October and November, one thousand two hundred (1,200) square

feet or more of floor area ~~is~~ **are** devoted to display and sales of firearms, ammunition, or both; or (c) a majority of the annual gross sales of the business is derived from the sale of firearms and ammunition.

Standards and conditions:

- (a) The gun shop or shooting gallery ~~is~~ **shall be** located at least one thousand (1,000) radial feet from any residentially zoned property and from any "protected use," defined as: a group day care center which has a business sign indicating this use; a house of worship; a public library; a school (public, parochial or private elementary, junior high or high school); a public regional park or parkway, public park, public recreation center or public specialized recreation facility as identified in the parks and recreation element of the Saint Paul Comprehensive Plan. The distance shall be measured in a straight line from the closest point of the property line of the building in which the gun shop is located to the closest point of the property line of the protected use.
- (b) The gun shop or shooting gallery **shall** meet the required firearms dealers security standards as mandated by Minnesota Statutes, Section 624.7161.

Sec. 65.521. Liquor Store.

Standards and conditions:

See Sec. 65.510. General retail.

Sec. 60.522. Massage center.

A building or portion of a building which is used for offering "massage," defined as the rubbing, stroking, kneading, tapping or rolling of the body, for the purposes of pleasure, relaxation, physical fitness or beautification, offered for a fee or other valuable consideration. This definition shall include any building, room, structure, place or establishment used by the public, other than a hospital, sanatorium, rest home, nursing home, boardinghome or other institution for the hospitalization or care of human beings, duly licensed under the provisions of Minnesota Statutes, Sections 144.50 through 144.703, inclusive, where nonmedical and nonsurgical manipulation exercises or massages are practiced upon the human body for a fee or other valuable consideration by anyone not duly licensed by the State of Minnesota to practice medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry, with or without the use of mechanical, therapeutic or bathing devices, or any room or rooms from which a massage therapist is dispatched by telephone or otherwise for the purpose of giving a massage.

Secs. 65.223 - 65.224. Reserved.

Sec. 65.525. Outdoor uses, commercial.

Standards and conditions for outdoor commercial uses not otherwise allowed in the district:

The use shall not conflict with ~~the operation of the B3 Business District as to~~ off-street parking, off-street loading and the system of pedestrian flow. The planning commission, in determining that the use is harmonious with adjacent uses, shall require the submission of a site plan including a floor plan and all uses within three hundred (300) feet of the boundary of said site superimposed on said site plan.

Secs. 65.226 - 65. 229. Reserved.

Sec. 65.530. Package delivery service.

A business which transports packages and articles for expedited delivery primarily in single rear axle

straight trucks or smaller vehicles, where no single item weighs over one hundred fifty (150) pounds. Excludes courier services.

Sec. 65.531. Pawn shop.

A place where money is loaned on security of personal property left in pawn and pledged as collateral for the loan and where such property may be redeemed by the seller in a fixed period of time or sold to the general public.

Standards and conditions:

- (a) The business shall be conducted within a completely enclosed building.
- (b) **The building in which the business is located shall be at least one hundred and fifty (150) feet from the closest point of any residentially zoned property** ~~is separated from residentially zoned property either by a public street or by a distance of one hundred fifty (150) feet measured from the building wall of the pawnshop to the nearest lot line of the residentially zoned property;~~ provided, however, that **this condition may be modified** ~~a modification may be granted pursuant to section 614.3500 from the foregoing requirement upon~~ **subject** to the following conditions:
 - (1) There is no existing pawnshop within five thousand two hundred eighty (5,280) feet of the proposed location, measured from the nearest building wall of the existing pawnshop to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.
 - (2) Customer entrances shall not be oriented toward residentially zoned property. Customer parking shall not be closer to residentially zoned property than the primary entrance.
 - (3) The location of a pawnshop at this location will not be contrary to any adopted district plan or other city program for neighborhood conservation or improvement, either residential or nonresidential.
 - (4) The proposed use meets all other requirements for ~~special~~ **conditional** use permits provided in section 614.3500.

Sec. 65.532. Photocopying.

Standards and conditions:

In the TN1 Traditional Neighborhood District, the total floor area shall not exceed 2500 square feet. In TN2-TN3 Traditional Neighborhood Districts, the total floor area shall not exceed 10,000 square feet.

Sec. 65.533. Service business.

Service businesses include provision of services to the general public that produce minimal off-site impacts. Service businesses include but are not limited to the following:

- (a) **barber and beauty shops**
- (b) **dry-cleaning pick-up station**
- (c) **interior decorating/upholstery**
- (d) **locksmith**
- (e) **mailing and packaging services**
- (f) **radio and television service and repair**

- (g) shoe repair
- (h) tailor shop
- (i) watch repair, other small goods repair

Sec. 65.534. Service business with showroom or workshop.

Service businesses with showroom or workshop include such things as an office of a contractor (electrical, heating, air conditioning, mechanical, painter, plumber, etc.) along with a showroom and/or workshop.

Standards and conditions:

In TN2-TN3 Traditional Neighborhood Districts, the showroom or sales area shall be located at the front of the building and designed in a manner consistent with traditional storefront buildings, and total floor area shall not exceed 10,000 square feet.

Division 4. 65.600. Food and Beverages

Sec. 65.610. Brew on premises store.

A facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store.

Standards and conditions:

- (a) Intoxicating liquor may not be sold or otherwise provided to customers of a brew on premises store, unless the owner of the brew on premises store holds the appropriate liquor license.
- (b) Customers using the brew on premises store must be of minimum age to purchase intoxicating liquor. Intoxicating malt liquor brewed by a customer may not be sold and must be used by the customer for personal or family use.

Sec. 65.611. Coffee kiosk.

A retail food business in a freestanding building that sells coffee, or other beverages, and premade bakery goods from a drive-through window to customers seated in their automobiles for consumption off of the premises and that provides no indoor or outdoor seating.

Standards and conditions:

See Sec. 65.710. Drive-through sales and services, primary and accessory.

Sec. 65.612. Coffee shop, tea house.

An establishment engaged principally in the sale of coffee, tea, and other nonalcoholic beverages for consumption on the premises or for carryout, which may also include the sale of a limited number of food items as allowed under a Restaurant C licence..

Standards and conditions in the TN1 Traditional Neighborhood and BI Business Districts:

A conditional use permit is required for a coffee shop or tea house of more than 800 square feet in gross floor area or for an accessory cabaret. Drive through uses (primary and accessory) are prohibited.

Standards and conditions in TN2-TN3 Traditional Neighborhood Districts:

See Sec. 65.613 Restaurant.

Sec. 65.613. Restaurant.

A public eating place which serves a substantial portion of its food for consumption at tables or counters located on the premises. This term shall include, but not be limited to, an establishment known as a café, smorgasbord, diner or similar business. Any facilities for carry-out shall be clearly subordinate to the principal use of providing foods for consumption on the premises.

Standards and conditions:

In TN2-TN3 Traditional Neighborhood Districts, these uses are intended to be of a moderate size compatible with neighborhood-level retail, and a conditional use permit is required for establishments of more than 10,000 square feet in gross floor area. Drive-through uses (primary or accessory) are not allowed in TN2-TN3 Traditional Neighborhood Districts unless specifically permitted by a conditional use permit.

Sec. 65.614. Restaurant, carry-out, deli.

A retail food service business, **including delis**, which sells ready-to-eat foods, usually in bulk quantities, primarily for consumption off the premises. A carry-out restaurant that has more than limited seating (twelve (12) or fewer seats), or seventy-five (75) square feet of patron area, shall be deemed to be a restaurant for zoning purposes.

Standards and conditions:

See Sec. 65.613. Restaurant.

Sec. 65.615. Restaurant, fast-food.

A public eating place, other than a carry-out restaurant, designed for rapid food delivery to customers seated in their automobiles or from a counter or drive-through window, with minimal personal service and for consumption on or off the premises. All restaurants with drive-through service are considered fast-food restaurants.

Any restaurant whose design or principal method of operation includes four (4) or more of the following characteristics shall be deemed a fast-food restaurant for zoning purposes:

- (1) Forty-five (45) percent or more of the floor area is devoted to food preparation, employee work space and customer service area;
- (2) A permanent menu board is provided from which to select and order food;
- (3) If a chain or franchised restaurant, standardized floor plans are used over several locations;
- (4) Customers pay for food before consuming it;
- (5) A self-service condiment bar is provided;
- (6) Trash receptacles are provided for self-service bussing;
- (7) Furnishing plan indicates hard-finished, stationary seating arrangements; and
- (8) Most main course food items are prepackaged rather than made to order.

Standards and conditions (except in in the B4-B5 Business Districts):

- (a) **Except in I1-I2 Industrial Districts, a conditional use permit is required for establishments of more than 10,000 square feet in gross floor area, and for any establishment with drive-through**

service. In TN2-TN3 Traditional Neighborhood Districts, these uses are intended to be of a moderate size compatible with neighborhood-level retail.

- (b) In the B2 Community Business District, fast-food restaurants shall be incorporated within a multi-use retail center, and shall not provide drive-through service.
- (c) Drive through service shall meet the standards and conditions in *Sec. 65.513. Drive-through sales and services, primary and accessory.*
- (d)^a Points of vehicular ingress and egress shall not be onto a street which is used primarily for access to abutting residential property.
- (e)^b Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of any two (2) streets and at least sixty (60) feet from any abutting residentially zoned property.
- (f)^c When the site abuts an alley which also serves residentially zoned land, no access from the site to the alley shall be permitted.
- d. ~~Site shall have a minimum of one hundred (100) feet of street frontage on its principal access street.~~ [This conflicts with condition (a), which encourages a moderate size compatible with neighborhood-level retail; even if not required in the B3 district, it would be good to have moderate size restaurants compatible with neighborhood retail in B3 districts, as well. This condition would also conflict with Traditional Neighborhood design standard #9, which states new buildings along commercial and mixed-use streets shall provide a continuous facade along the street; while this design standard doesn't apply to the B3 district, it is generally good if development in the B3 district follows this standard, as well. If all of the other standards and conditions of this section and the code generally are met, a fast-food restaurant should be OK. Requiring a large amount of street frontage tends to create an undesirable streetscape, and is the wrong way to regulate fast-food restaurants.]
- (g) Trash receptacles shall be housed in a three-sided masonry enclosure, six (6) feet high, or equal in height to the dumpster, whichever is greater, and have an entrance gate constructed of a durable, opaque material.
- (h) A litter collection plan shall be developed and submitted to the planning commission, which obligates the restaurant operator to keep the area surrounding said restaurant free of restaurant litter for a reasonable specified distance.
- ~~(g) Speaker box sounds from drive-through lanes shall not be plainly audible so as to unreasonably disturb the peace, quiet and comfort of abutting residential property. [This is covered in item (b).]~~
- (h)ⁱ A landscaped area not less than fifteen (15) percent of the impervious surface area of the lot shall be provided and maintained.
- (j)ⁱ Impact on adjoining property by use of the site may not result in the following:
 - (1) Loud, boisterous and disturbing noise levels.
 - (2) Hazardous traffic conditions.
 - (3) Offensive, obnoxious and disturbing odors.
 - (4) Excessive litter.
 - (5) Excessive artificial lighting.
 - (6) Substantial decrease in adjoining property values.

Sec. 65.616. Restaurant, outdoor.

Development standard:

The use shall be accessory to an indoor restaurant or a farmers' market.

Sec. 65.641. Bed and breakfast residence.

A dwelling unit, located within a one- or two-family dwelling, in which ~~four (4) or fewer~~ guest rooms are rented on a nightly basis for periods of less than a week and where at least one meal is offered in connection with the provision of sleeping accommodations only.

Standards and conditions in Residential and BC Community Business (Converted) Districts:

(a) In Residential Districts, a conditional use permit is required for bed and breakfast residences with two (2) or more guest rooms, and for any bed and breakfast residence located in a two-family dwelling. In RL-R4 Residential Districts, a bed and breakfast residence may contain no more than one (1) guest room.

~~a. The guest room may be established in a one-family detached dwelling.~~

(b)a The bed and breakfast residence may be established in a one-family detached dwelling or a two-family dwelling, located within a single main building.

~~c. The residents of the dwelling, other than the registered guests of the guest room, shall only be comprised of the following people: one (1) or two (2) people with their parents, grandparents, direct lineal descendants and adopted or legally cared for children (and including the domestic employees thereof). [This simply duplicates the definition of “family” and does not need to be repeated here.]~~

(c)d The guest rooms shall be contained within the principal structure.

(d)e There shall be no more than one (1) person employed by the bed and breakfast residence who is not a resident of the dwelling.

(e)f Dining and other facilities shall not be open to the public, but shall be used exclusively by the residents and registered guests.

(f)g No additional exterior entrances shall be added to the structure solely for the purpose of serving guest rooms.

(g)b The zoning lot ~~must~~ shall meet the minimum lot size for the single one-family dwellings or two-family dwelling in the district in which it is located, and ~~d. The zoning lot shall have a minimum size according to the following combination of dwelling units and guest rooms:~~

One-Family Dwelling

Dwellings	Guest	Minimum
Units	Rooms	Lot Size
1	2	6,000
1	3	7,000
1	4	8,000

Two-Family Dwelling

Dwellings	Guest	Minimum
	Rooms	Lot Size
2	1	6,000
2	2	7,000
2	3	8,000

(h)b One-family ~~detached~~ dwellings may contain no more than four (4) guest rooms. ~~c. Two-family~~

~~dwellings, located within a single main building,~~ may contain no more than three (3) guest rooms.

- (i)e No bed and breakfast residence containing two (2) through four (4) guest rooms shall be located closer than one thousand (1,000) feet to an existing bed and breakfast residence containing two (2) through four (4) guest rooms, measured in a straight line from the zoning lot of an existing bed and breakfast residence.

f. ~~The conditions of Section 60.412(15)c. through g. are met.~~

~~Conversation/rap parlor.~~

~~A building or portion of a building in which there is advertising, offering or selling the service of engaging in or listening to conversation, talk or discussion, regardless of whether other goods or services are also simultaneously advertised, offered or sold, and regardless of whether those other goods or services are also required to be licensed.~~

~~The term "conversation parlor" shall not include bona fide legal, medical, psychiatric, psychological or counseling services by a person or firm appropriately licensed, or bona fide educational institutions, or panels, seminars or other similar services offered by such institutions, or churches or synagogues. [This definition was developed prior to our current adult entertainment regs., is no longer needed and now adds confusion, so should be deleted.]~~

Sec. 65.642. Dance hall, public.

Any room, place or space open to the general public patronage in which is carried on dancing wherein the public may participate, whether or not a charge for admission for dancing is made. (See Sec. 65.644. Indoor recreation.)

Sec. 65.643. Health/sport club.

A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities or other customary and usual recreational activities, operated for profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee.

Sec. 65.644. Indoor recreation.

Bowling alley, billiard hall, indoor archery range, indoor tennis courts, racquet ball and hand ball courts, dance hall, electronic game room, indoor skating rink, and similar forms of indoor commercial recreation.

Development standard:

- (a) **The building in which the use is located shall be** ~~when located~~ at least one hundred (100) feet from **the closest point** ~~any front, rear or side yard of any residential lot in a an adjacent residential district measured from the closest point of the building in which the use is located to the closest residential property line.~~

Additional standards and conditions in TN2-TN3 Traditional Neighborhood Districts:

- (b) **Primary access shall be from an arterial or collector street.**
(c) **Floor area shall not exceed 40,000 square feet.**

Sec. 65.645. Outdoor (drive-in) theater.

Standards and conditions:

- (a) The proposed internal design shall receive approval from the city engineer as to the adequacy

of drainage, lighting and other technical aspects.

- (b) Outdoor theaters shall abut directly upon a major thoroughfare, with ~~their points of ingress and egress~~ available only from said major thoroughfare.
- (c) ~~For vehicles waiting or standing to enter the facility,~~ There shall be ~~provided for~~ off-street ~~waiting~~ **stacking** space for no less than fifty (50) automobiles **waiting to enter the facility**.
- (d) The area shall be laid out so as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares.

Sec. 65.646. Steam room/bathhouse facility.

A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent.

Sec. 65.647. Theater, assembly hall.

Development standard:

In Traditional Neighborhood Districts, total seating capacity shall not exceed one-thousand (1000), and the facility shall not be divided into more than three (3) separate theater/auditorium areas.

Division 6. 65.660. Adult Entertainment

Sec. 65.661. Adult use.

Adult uses include ~~adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse facilities, adult rap/conversation parlors, adult health/sport clubs, adult cabarets,~~ **the uses defined below** and other premises, enterprises, businesses or places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public. No obscene work shall be allowed.

Sec 65.662. Adult bookstore.

~~Adult bookstore means~~ A building or part of a building used for the barter, rental or sale of a significant portion of items consisting of (1) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities," or (2) printed matter, pictures, slides, records, audio tape, videotape, motion picture film, or CD ROMs or another form of recording if such items are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas." "Significant portion of items" shall mean more than fifteen (15) percent of usable floor area or more than one hundred fifty (150) square feet of floor area used for the display and barter, rental or sales of such items. No obscene work shall be allowed.

Standards and conditions:

~~Sec. 60.564(9)~~ [B3] ~~Adult bookstores, subject to the following conditions:~~

- (a): **In B3 Business and I1-I2 Industrial Districts** the adult bookstore shall be located at least two thousand six hundred forty (2,640) ~~radial~~ feet from any other adult use in any municipality, **and**

- in B4-B5 Business Districts the adult bookstore shall be located at least one thousand three hundred twenty (1,320) feet from any other adult use in any municipality, [Moved here from §60.574(4) and §60.584(3).] measured in a straight line from the closest points of the property lines of the buildings in which the adult uses are located.
- (b): In B3 Business and I1-I2 Industrial Districts the adult bookstore shall be located at least eight hundred (800) ~~radial~~ feet from any residentially zoned property in any municipality, and in B4-B5 Business Districts the adult bookstore shall be located at least four hundred (400) feet from any residential property in any municipality, [Moved here from §60.574(4) and §60.584(3).] measured in a straight line from the closest point of the property line of the building in which the adult bookstore is located to the closest residentially zoned property line.
- (c): In B3 Business and I1-I2 Industrial Districts the adult bookstore shall be located at least four hundred (400) ~~radial~~ feet from any protected use. In B4-B5 Business Districts the adult bookstore shall be located at least two hundred (200) feet from any protected use. [Moved here from §60.574(4) and §60.584(3).] "Protected use," shall be defined as: a building in which a majority of floor space is used for residential purposes; a day care center, where such day care center is a principal use; a house of worship; a public library; a school (public, parochial or private elementary, junior high or high school); a public regional park or parkway, public park, public recreation center or public specialized recreation facility as identified in the parks and recreation element of the Saint Paul Comprehensive Plan; a fire station; a community residential facility; a mission or a hotel/motel. The distance shall be measured in a straight line from the closest point of the property line of the building in which the adult bookstore is located to the closest point of the property line of the building in which is located an aforementioned protected use.
- (d): Conditions (b): and/or (c): may be waived by the planning commission if the person applying for the waiver shall files with the planning administrator a consent petition which indicates approval of the proposed adult bookstore by ninety (90) percent of the property owners within eight hundred (800) ~~radial~~ feet of the lot on which the use would be located if the lot is in a B3 Business or I1-I2 Industrial District, or within four hundred (400) feet of the lot on which the use would be located if the lot is in a B4-B5 Business District.; [Moved here from §60.574(4) and §60.584(3).] The planning commission, in considering may grant such a waiver, shall make the following upon findings: that the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed; that the proposed use will not enlarge or encourage the development of a "skidrow" area; that the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential; and that all applicable regulations of this section will be observed.
- (e): All signs shall comply with Chapter 646 of the zoning code and with Chapters 274 and 275 of the Saint Paul Legislative Code.
- (f): No person shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in the adult bookstore which is prohibited by any ordinance of the City of Saint Paul, the laws of the State of Minnesota, or the United States of America. Nothing in this section shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or ordinances, including, but not limited to, statutes or ordinances prohibiting the exhibition, sale or distribution of obscene material generally or the exhibition, sale or distribution of specified materials to minors. No obscene work shall be allowed.
- (g): The special condition use permit for the adult bookstore shall be reviewed annually to ensure

that no change in use occurs and that no additional adult uses are added to the building containing the adult bookstore.

- (h): The adult bookstore is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced **at least** two thousand six hundred forty (2,640) ~~radial~~ feet apart **in B3 Business and I1-I2 Industrial Districts, and at least one thousand three hundred twenty (1,320) feet apart in B4-B5 Business Districts.**
- (i): The adult bookstore shall not be located within a building also used for residential purposes.

Sec. 65.663. Adult cabaret.

A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age, or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas." No obscene work shall be allowed.

Standards and conditions:

- ~~(10)~~ Adult cabarets; **shall be** subject to the same **standards and** conditions listed above in ~~subsection~~ **(9) section 65.662** for adult bookstores, with the substitution of the phrase "adult cabaret" for the phrase "adult bookstore" wherever it appears. The adult cabaret is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced **at least** two thousand six hundred forty (2,640) ~~radial~~ feet apart **in B3 Business and I1-I2 Industrial Districts, and at least one thousand three hundred twenty (1,320) feet apart in B4 and B5 Districts.**

Sec. 65.664. Adult conversation/rap parlor.

A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas." No obscene work shall be allowed.

Standards and conditions:

- ~~(11)~~ Adult conversation/rap parlors; **shall be** subject to the same **standards and** conditions listed above in ~~subsection~~ **(9) section 65.662** for adult bookstores, with the substitution of the phrase "adult conversation/rap parlor" for the phrase "adult bookstore" wherever it appears. The adult conversation/rap parlor is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced **at least** two thousand six hundred forty (2,640) ~~radial~~ feet apart **in B3 Business and I1-I2 Industrial Districts, and at least one thousand three hundred twenty (1,320) feet apart in B4-B5 Business Districts.**

Sec. 65.665. Adult health/sport club.

A health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas." **No obscene work shall be allowed.**

Standards and conditions:

- ~~(12)~~ Adult health/sports clubs; **shall be** subject to the same **standards and** conditions listed above in ~~subsection~~ **(9) section 65.662** for adult bookstores, with the substitution of the phrase "adult health/sports club" for the phrase "adult bookstore" wherever it appears. The adult health/sports club is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced **at least** two thousand six hundred forty (2,640) ~~radial~~ feet apart **in B3 Business**

and I1-I2 Industrial Districts, and at least one thousand three hundred twenty (1,320) feet apart in B4-B5 Business Districts.

Sec. 65.666. Adult massage parlor.

A massage parlor which restricts minors by reason of age, or which provides the service of "massage," if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas." No obscene work shall be allowed.

Standards and conditions:

- (13) Adult massage parlors; shall be subject to the same standards and conditions listed above in subsection (9) section 65.662 for adult bookstores, with the substitution of the phrase "adult massage parlor" for the phrase "adult bookstore" wherever it appears. The adult massage parlor is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced at least two thousand six hundred forty (2,640) radial feet apart in B3 Business and I1-I2 Industrial Districts, and at least one thousand three hundred twenty (1,320) feet apart in B4-B5 Business Districts.

Sec. 65.667. Adult mini-motion picture theater.

A building or portion of a building with a capacity for less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein. No obscene work shall be allowed.

Standards and conditions:

- (14) Adult mini-motion picture theaters; shall be subject to the same standards and conditions listed above in subsection (9) section 65.662 for adult bookstores, with the substitution of the phrase "adult mini-motion picture theater" for the phrase "adult bookstore" wherever it appears. The adult mini-motion picture theater is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced at least two thousand six hundred forty (2,640) radial feet apart in B3 Business and I1-I2 Industrial Districts, and at least one thousand three hundred twenty (1,320) feet apart in B4-B5 Business Districts.

Sec. 65.668. Adult motion picture theater.

A building or portion of a building with a capacity of fifty (50) or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein. No obscene work shall be allowed.

Standards and conditions:

- (15) Adult motion picture theaters; shall be subject to the same standards and conditions listed above in subsection (9) section 65.662 for adult bookstores, with the substitution of the phrase "adult motion picture theater" for the phrase "adult bookstore" wherever it appears. The adult motion picture theater is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced at least two thousand six hundred forty (2,640) radial feet apart in B3 Business and I1-I2 Industrial Districts, and at least one thousand three hundred twenty (1,320) feet apart in B4-B5 Business Districts.

Sec. 65.669. Adult steam room/bathhouse facility.

A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas." No obscene work shall be allowed.

Standards and conditions:

- (16) Adult steam room/bathhouse facilities; shall be subject to the same standards and conditions listed above in subsection (9) section 65.662 for adult bookstores, with the substitution of the phrase "adult steam room/bathhouse facility" for the phrase "adult bookstore" wherever it appears. The adult steam room/bathhouse facility is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced at least two thousand six hundred forty (2,640) radial feet apart in B3 Business and I1-I2 Industrial Districts, and at least one thousand three hundred twenty (1,320) feet apart in B4-B5 Business Districts.

Sec. 65.670. Adult use, general.

A premises, enterprise, business or place, not specifically defined above, open to some or all members of the public at or which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public. No obscene work shall be allowed.

Standards and conditions:

- (17) General Other adult uses; shall be subject to the same standards and conditions listed above in subsection (9) section 65.662 for adult bookstores, with the substitution of the phrase "general other adult use" for the phrase "adult bookstore" wherever it appears. The general other adult use is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced at least two thousand six hundred forty (2,640) radial feet apart in B3 Business and I1-I2 Industrial Districts, and at least one thousand three hundred twenty (1,320) feet apart in B4-B5 Business Districts.

~~Sec. 60.574(4) [B4] Adult bookstores, subject to the following conditions:~~

- ~~a. The adult bookstore shall be located at least one thousand three hundred twenty (1,320) radial feet from any other adult use in any municipality measured in a straight line from the closest points of the property lines of the buildings in which the adult uses are located.~~
- ~~b. The adult bookstore shall be located at least four hundred (400) radial feet from any residentially zoned property in any municipality, measured in a straight line from the closest point of the property line of the building in which the adult bookstore is located to the closest residentially zoned property line.~~
- ~~c. The adult bookstore shall be located at least two hundred (200) radial feet from any "protected use," defined as: A building in which a majority of floor space is used for residential purposes; a day care center, where such day care center is a principal use; a house of worship; a public library; a school (public, parochial or private elementary, junior high or high school); a public regional park or parkway, public park, public recreation center or public specialized recreation facility as identified in the parks and recreation element of the Saint Paul Comprehensive Plan; a fire station; a community residential facility; a mission or a hotel/motel. The distance shall be measured in a straight line from the closest point of the property line of the building in which the adult bookstore~~

is located to the closest point of the property line of the building in which is located an aforementioned protected use:

- ~~— d. Conditions b. and/or c. may be waived by the planning commission if the person applying for the waiver shall file with the planning administrator a consent petition which indicates approval of the proposed adult use by ninety (90) percent of the property owners within four hundred (400) radial feet of the lot on which the use would be located. The planning commission, in considering such a waiver, shall make the following findings: That the proposed use will not be contrary to the public interest or injurious to nearby properties; and that the spirit and intent of this section will be observed; that the proposed use will not enlarge or encourage the development of a "skidrow" area; that the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential; and that all applicable regulations of this section will be observed.~~
 - ~~— e. All signs shall comply with Chapter 66 of the Zoning code and with Chapters 274 and 275 of the Saint Paul Legislative Code.~~
 - ~~— f. No person shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in the adult bookstore which is prohibited by any ordinance of the City of Saint Paul, the laws of the State of Minnesota, or the United States of America. Nothing in this section shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or ordinances, including, but not limited to, statutes or ordinances prohibiting the exhibition, sale or distribution of obscene material generally, or the exhibition, sale or distribution of specified materials to minors. No obscene work shall be allowed.~~
 - ~~— g. The special condition use permit for the adult bookstore shall be reviewed annually to ensure that no change in use occurs and that no additional adult uses are added to the building containing the adult bookstore.~~
 - ~~— h. The adult bookstore is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~
 - ~~— i. The adult bookstore shall not be located within a building also used for residential purposes.~~
- ~~(5) Adult cabarets, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult cabaret" for the phrase "adult bookstore" wherever it appears. The adult cabaret is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~
- ~~(6) Adult conversation/rap parlors, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult conversation/rap parlor" for the phrase "adult bookstore" wherever it appears. The adult conversation/rap parlor is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~
- ~~(7) Adult health/sports clubs, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult health/sports club" for the phrase "adult bookstore" wherever it appears. The adult health/sports club is considered to be one (1) use.~~

~~No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~

- ~~(8) Adult massage parlors, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult massage parlor" for the phrase "adult bookstore" wherever it appears. The adult health/sports club is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~
- ~~(9) Adult mini-motion picture theaters, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult mini-motion picture theater" for the phrase "adult bookstore" wherever it appears. The adult mini-motion picture theater is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~
- ~~(10) Adult motion picture theaters, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult motion picture theater" for the phrase "adult bookstore" wherever it appears. The adult motion picture theater is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~
- ~~(11) Adult steam room/bathhouse facilities, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult steam room/bathhouse facility" for the phrase "adult bookstore" wherever it appears. The adult steam room/bathhouse facility is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~
- ~~(12) Other adult uses, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "other adult use" for the phrase "adult bookstore" wherever it appears. The other adult use is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~

~~Sec. 60.584(3) [B5] Adult bookstores, subject to the following conditions:~~

- ~~— a. The adult bookstore shall be located at least one thousand three hundred twenty (1,320) radial feet from any other adult use in any municipality measured in a straight line from the closest points of the property lines of the buildings in which the adult uses are located.~~
- ~~— b. The adult bookstore shall be located at least four hundred (400) radial feet from any residentially zoned property in any municipality, measured in a straight line from the closest point of the property line of the building in which the adult bookstore is located to the closest residentially zoned property line.~~
- ~~— c. The adult bookstore shall be located at least two hundred (200) radial feet from any "protected use," defined as: A building in which a majority of floor space is used for residential purposes; a day care center, where such day care center is a principal use; a house of worship; a public library; a school (public, parochial or private elementary, junior high or high school); a public regional park or parkway, public park, public recreation center or public specialized recreation facility as identified in the parks and recreation element of the Saint Paul Comprehensive Plan; a fire station; a community residential facility; a mission or a hotel/motel. The distance shall be measured in a straight line from the closest point of the property line of the building in which the adult bookstore~~

is located to the closest point of the property line of the building in which is located an aforementioned protected use:

- ~~— d. Conditions b. and/or c. may be waived by the planning commission if the person applying for the waiver shall file with the planning administrator a consent petition which indicates approval of the proposed adult use by ninety (90) percent of the property owners within four hundred (400) radial feet of the lot on which the use would be located. The planning commission, in considering such a waiver, shall make the following findings: That the proposed use will not be contrary to the public interest or injurious to nearby properties; and that the spirit and intent of this section will be observed; that the proposed use will not enlarge or encourage the development of a "skidrow" area; that the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential; and that all applicable regulations of this section will be observed.~~
- ~~— e. All signs shall comply with Chapter 66 of the zoning code and with Chapters 274 and 275 of the Saint Paul Legislative Code.~~
- ~~— f. No person shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in the adult bookstore which is prohibited by any ordinance of the City of Saint Paul, the laws of the State of Minnesota, or the United States of America. Nothing in this section shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or ordinances, including, but not limited to, statutes or ordinances prohibiting the exhibition, sale or distribution of obscene material generally, or the exhibition, sale or distribution of specified materials to minors. No obscene work shall be allowed.~~
- ~~— g. The special condition use permit for the adult bookstore shall be reviewed annually to ensure that no change in use occurs and that no additional adult uses are added to the building containing the adult bookstore.~~
- ~~— h. The adult bookstore is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~
- ~~— i. The adult bookstore shall not be located within a building also used for residential purposes.~~
- ~~(4) Adult cabarets, subject to the same conditions listed above in subsection (3) for adult bookstores, with the substitution of the phrase "adult cabaret" for the phrase "adult bookstore" wherever it appears. The adult cabaret is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~
- ~~(5) Adult conversation/rap parlors, subject to the same conditions listed above in subsection (3) for adult bookstores, with the substitution of the phrase "adult conversation/rap parlor" for the phrase "adult bookstore" wherever it appears. The adult conversation/rap parlor is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~
- ~~(6) Adult health/sports clubs, subject to the same conditions listed above in subsection (3) for adult bookstores, with the substitution of the phrase "adult health/sports club" for the phrase "adult bookstore" wherever it appears. The adult health/sports club is considered to be one (1) use.~~

~~No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~

- ~~(7) Adult massage parlors, subject to the same conditions listed above in subsection (3) for adult bookstores, with the substitution of the phrase "adult massage parlor" for the phrase "adult bookstore" wherever it appears. The adult massage parlor is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~
- ~~(8) Adult mini-motion picture theaters, subject to the same conditions listed above in subsection (3) for adult bookstores, with the substitution of the phrase "adult mini-motion picture theater" for the phrase "adult bookstore" wherever it appears. The adult mini-motion picture theater is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~
- ~~(9) Adult motion picture theaters, subject to the same conditions listed above in subsection (3) for adult bookstores, with the substitution of the phrase "adult motion picture theater" for the phrase "adult bookstore" wherever it appears. The adult motion picture theater is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~
- ~~(10) Adult steam room/bathhouse facilities, subject to the same conditions listed above in subsection (3) for adult bookstores, with the substitution of the phrase "adult steam room/bathhouse facility" for the phrase "adult bookstore" wherever it appears. The adult steam room/bathhouse facility is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~
- ~~(11) Other adult uses, subject to the same conditions listed above in subsection (3) for adult bookstores, with the substitution of the phrase "other adult use" for the phrase "adult bookstore" wherever it appears. The other adult use is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~

~~Sec. 60.624(4) [12] Adult bookstores, subject to the following conditions:~~

- ~~— a. The adult bookstore shall be located at least two thousand six hundred forty (2,640) radial feet from any other adult use in any municipality measured in a straight line from the closest points of the property lines of the buildings in which the adult uses are located.~~
- ~~— b. The adult bookstore shall be located at least eight hundred (800) radial feet from any residentially zoned property in any municipality, measured in a straight line from the closest point of the property line of the building in which the adult bookstore is located to the closest residentially zoned property line.~~
- ~~— c. The adult bookstore shall be located at least four hundred (400) radial feet from any "protected use," defined as: A building in which a majority of floor space is used for residential purposes; a day care center, where such day care center is a principal use; a house of worship; a public library; a school (public, parochial or private elementary, junior high or high school); a public regional park or parkway, public park, public recreation center or public specialized recreation facility as identified in the parks and recreation element of the Saint Paul Comprehensive Plan; a fire station; a community residential facility; a mission or a hotel/motel. The distance shall be measured in a straight line from the closest point of the property line of the building in which the adult bookstore~~

is located to the closest point of the property line of the building in which is located an aforementioned protected use:

- ~~d. Conditions b. and/or c. may be waived by the planning commission if the person applying for the waiver shall file with the planning administrator a consent petition which indicates approval of the proposed adult bookstore by ninety (90) percent of the property owners within eight hundred (800) radial feet of the lot on which the use would be located. The planning commission, in considering such a waiver, shall make the following findings: That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed; that the proposed use will not enlarge or encourage the development of a "skidrow" area; that the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential; and that all applicable regulations of this section will be observed.~~
 - ~~e. All signs shall comply with Chapter 66 of the zoning code and with Chapters 274 and 275 of the Saint Paul Legislative Code.~~
 - ~~f. No person shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in the adult bookstore which is prohibited by any ordinance of the City of Saint Paul, the laws of the State of Minnesota, or the United States of America. Nothing in this section shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or ordinances, including, but not limited to, statutes or ordinances prohibiting the exhibition, sale or distribution of obscene material generally or the exhibition, sale or distribution of specified materials to minors. No obscene work shall be allowed.~~
 - ~~g. The special condition use permit for the adult bookstore shall be reviewed annually to ensure that no change in use occurs and that no additional adult uses are added to the building containing the adult bookstore.~~
 - ~~h. The adult bookstore is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced two thousand six hundred forty (2,640) radial feet apart.~~
 - ~~i. The adult bookstore shall not be located within a building also used for residential purposes.~~
- (5) ~~Adult cabarets, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult cabaret" for the phrase "adult bookstore" wherever it appears. The adult cabaret is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced two thousand six hundred forty (2,640) radial feet apart.~~
- (6) ~~Adult conversation/rap parlors subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult conversation/rap parlor" for the phrase "adult bookstore" wherever it appears. The adult conversation/rap parlor is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced two thousand six hundred forty (2,640) radial feet apart.~~
- (7) ~~Adult health/sports clubs, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult health/sports club" for the phrase "adult bookstore" wherever it appears. The adult health/sports club is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced two thousand six~~

hundred forty (2,640) radial feet apart.

- ~~(8) Adult massage parlors, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult massage parlor" for the phrase "adult bookstore" wherever it appears. The adult health/sports club is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced two thousand six hundred forty (2,640) radial feet apart.~~
- ~~(9) Adult mini-motion picture theaters, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult mini-motion picture theater" for the phrase "adult bookstore" wherever it appears. The adult mini-motion picture theater is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced two thousand six hundred forty (2,640) radial feet apart.~~
- ~~(10) Adult motion picture theaters, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult motion picture theater" for the phrase "adult bookstore" wherever it appears. The adult motion picture theater is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced two thousand six hundred forty (2,640) radial feet apart.~~
- ~~(11) Adult steam room/bathhouse facilities, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult steam room/bathhouse facility" for the phrase "adult bookstore" wherever it appears. The adult steam room/bathhouse facility is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced two thousand six hundred forty (2,640) radial feet apart.~~
- ~~(12) Other adult uses, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "other adult use" for the phrase "adult bookstore" wherever it appears. The other adult use is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced two thousand six hundred forty (2,640) radial feet apart.~~

Division 7. 65.700. Automobile Services

Sec. 65.701. Auto body shop.

A shop in the business of making substantial repairs to the shell or body of any automobile, and of major or substantial painting of the shell or body, and where the following services may also be carried out: general auto repair; engine rebuilding; rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and undercoating.

Sec. 65.702. Auto convenience market.

A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience market or supermarket.

Standards and conditions:

- (a) The use is subject to standards and conditions (a), (b), (d), (e), and (f) in *Sec. 65.703. Auto service station.*

- (b) The zoning lot on which it is located shall be at least twelve thousand (12,000) square feet in area.

Sec. 65.703. Auto service station.

A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene, motor oil, lubricants, grease (for operation of motor vehicles), or minor accessories are retailed directly to the public on the premises and/or where the servicing or minor repair of automobiles may occur.

Standards and conditions:

- (a) The construction and maintenance of all driveways, curbs, sidewalks, pump islands or other facilities ~~used in conjunction with the operation of the auto service station~~ shall be in accordance with current city specifications. Such specifications shall be developed by the ~~city planning coordinator~~ **administrator**, traffic engineer and city fire marshal, and shall be approved by the planning commission, and filed with the city clerk.
- (b) A ten-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or ~~adjoining vacant land zoned for residentially~~ **zoned property use**.
- (c) The minimum lot area shall be fifteen thousand (15,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Auto service stations which are intended solely for the sale of gasoline, oil and minor accessories and having no facilities for incidental servicing of automobiles (including lubricating facilities) ~~and auto convenience markets~~ may be permitted on a lot of twelve thousand (12,000) square feet, subject to all other provisions herein required.

Additional standards and conditions in Traditional Neighborhood Districts:

- (d) All vehicles awaiting repair or pickup shall be stored on the site within enclosed buildings or defined parking spaces in compliance with section 63.301.
- (e) The principal building shall comply with the dimensional standards and design guidelines applicable to Traditional Neighborhood Districts, except that the maximum setback requirement may be modified by the planning commission so that pump islands may be placed in front of the building if this arrangement is considered preferable for circulation, aesthetics or buffering of neighboring uses.
- (f) There shall be no exterior storage or sales of goods or equipment, other than the dispensing of motor fuel.

Sec. 65.704. Auto specialty store.

A store in the business of repairing or servicing automobiles usually involving the installation of specific parts and the provisions of specific services, and where the retail sale of specific auto accessories to the public on the premises may occur. Retail sale of automobile fuel on the premises is not permitted.

Standards and conditions:

See Sec. 65.703. Auto service station.

Sec. 65.705. Auto repair station.

A place where the following services may be carried out: general ~~auto~~ **repair of automobiles, trucks, motorcycles, boats, etc.**; engine rebuilding; and rebuilding or reconditioning of motor vehicles. The

sale of engine fuels may or may not also be carried on. [This change is consistent with the current definition of auto sales in §65.706 below.]

Standards and conditions:

- (a) The minimum lot area shall be fifteen thousand (15,000) square feet.
- (b) A ten-foot landscaped buffer with screen planting and an obscuring fence shall be required along any property line adjoining an existing residence or adjoining land zoned residential.
- (c) All repair work shall be done within an enclosed building.
- (d) There shall be no outside storage.

Sec. 65.706. Auto sales and rental, outdoor.

Outdoor sales space for the sale or rental of new, secondhand, or pawned automobiles, trucks, motorcycles, trailers, or boats.

Standards and conditions:

- (a) The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area.
- (b) Vehicular access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
- (c) No repair or refinishing shall be done on the lot unless conducted within a completely enclosed building.
- (d) The minimum lot area shall be fifteen thousand (15,000) square feet. A site plan shall be submitted showing the layout of the vehicles for sale or rent, employee parking, and customer parking.
- (e) In the case of pawnbrokers, the businesses shall be separated from residentially zoned property by a public street or by a distance of one hundred fifty (150) feet measured from property line to property line; provided, however, that a modification may be granted pursuant to section 614.3500 from the foregoing requirement upon the following conditions:
 - (1) There is no existing pawnshop within five thousand two hundred eighty (5,280) feet of the proposed location, measured from the nearest building wall of the existing pawnshop to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.
 - (2) Customer entrances shall not be oriented toward residentially zoned property. Customer parking shall not be closer to residentially zoned property than the primary entrance.
 - (3) The location of a pawnshop at this location will not be contrary to any adopted district plan or other city program for neighborhood conservation or improvement, either residential or nonresidential.
 - (4) The proposed use meets all other requirements for special conditional use permits provided in section 614.3500.

Sec. 65.707. ~~Auto laundries~~ Car wash.

Standards and conditions:

- (a) ~~Auto laundries~~ The car wash shall be completely enclosed when not in operation.
- (b) Any access drive shall be located at least thirty (30) feet from any public street intersection,

measured from the interior curb line commencing at the intersection of the street.

- (c) Any ~~auto~~ car wash line exit shall be at least thirty (30) feet distant from any street line.

Division 8. 65.730. Parking Facilities

Sec. 65.731. Parking facility, commercial.

An off-street parking facility, not accessory to any principal use, for which a fee is charged for the privilege of parking.

Standards and conditions in the TN3 Traditional Neighborhood Development District:

- (a) The facility shall be in a mixed use area identified in the master plan for the district.
- (b) At least fifty (50) percent of the length of any parking structure facade adjacent to a public street shall consist of retail, office or other similar nonresidential uses.

Sec. 65.732. Shared commercial parking in institutional lots.

The use of existing paved parking lots of churches, colleges, universities, schools and seminaries by permitted business uses in nearby business districts.

Standards and conditions in Residential Districts:

- (a) Each business using such lot shall be located within five hundred (500) feet of the shared parking lot measured from the property line of the business to the property line of the parking lot; except that the five-hundred-foot distance requirement may be waived if the principal use leases off-street parking for employees only, requires permit parking for employees using such parking lot or uses some other system to ensure that employees really park in the remote lot.
- (b) There shall be no outdoor ~~and does not permit~~ storage on the parking lot.
- (c)b Application for a shared commercial parking permit on an institutional lot must be accompanied by proof of the under utilization of the institutional lot during periods of peak business demand in a report showing:
 - e. (1) The off-street parking need of the institution during the peak demand periods of the business(es).
 - f. (2) The off-street parking need of the business(es) during peak demand periods.
 - g. (3) Extent of parking shortfall for the business(es) during peak demand period(s).
 - h. (4) The number and location of the parking spaces in the institutional lot that may be used by business(es) during peak demand periods.
 - i. (5) The existence, if any, of prior commitments for use of the institutional lot by other businesses or other noninstitutional users.
 - j. (6) The shared parking lease arrangement is not an attempt to avoid liability for property taxes.
- (d)i If the shared parking is required by the Zoning Code, each business use shall provide proof of at least a ten-year lease agreement with the institution for the shared parking arrangement. If the shared parking is not required, each business shall provide proof of at least a two-year lease agreement. Each lease will be reviewed annually.
- (e)j The lease agreement must delineate the number of spaces and the specific hours of operation

of the parking lot for each day of the week that the lot is to be used by the business. The business lessee must indicate in the lease agreement that it recognizes its responsibility for property taxes imposed under Minnesota Statutes, Section 272.01, subdivisions 2(a) and 2(c).

(f)† The zoning application must include the submittal of a site plan drawn to scale showing the layout of the parking lot, all access and egress locations, and the surrounding buildings within one hundred (100) feet of the lot.

(g)† Only passenger vehicles will be allowed in shared parking spaces in institutional lots.

Secs. 65.733 - 65.739. Reserved.

Sec. 65.740. State fair parking.

An off-street parking operation on private residential property for which a fee is charged for the privilege of parking during the annual Minnesota State Fair.

Division 9. 65.750. Transportation

Sec. 65.751. Airport.

An area where fixed-wing aircraft can take off and land, equipped with hard-surfaced landing strips, hangers, facilities for refueling and repair, a control tower, and accommodations for cargo and passengers, and which is owned and operated by a unit of government.

Sec. 65.752. Heliport.

An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling or terminal facilities.

Standards and conditions:

(a) The heliport shall be located at an airport.

(b)† The heliport ~~and helistop~~ shall be located at least one thousand (1,000) radial feet from any residentially used or zoned property, measured in a straight line from the closest point of the takeoff and landing area to the property line of the closest residentially used or zoned property.
‡ The application shall include a site plan of the proposed facility and an area map showing the distance between the proposed take-off and landing area and the nearest residential property shall be provided to the commission.

(c)† The applicant shall perform a noise analysis to determine whether upon establishment of the heliport ~~or helistop~~ the Noise Pollution Control Rules, Chapter 7010, of the Minnesota Pollution Control Agency, would immediately be violated. If the analysis shows that the rules would be violated, the applicant shall take measures to prevent the potential violation before the heliport ~~or helistop~~ is established.

(d)† The heliport ~~or helistop~~ shall be constructed, operated and maintained in accordance with the rules and regulations of the Federal Aviation Administration (FAA) and State of Minnesota.

Sec. 65.753. Helistop.

An area designed to be used for the landing or takeoff of one (1) helicopter, the temporary parking of one (1) helicopter, and other facilities as may be required by federal and state regulations, but not including operation facilities such as maintenance, storage, fueling or terminal facilities.

[DELETE “private helistop for emergency medical services which are accessory to a hospital” as a special condition use in RM2-RM3 Residential Districts. There are no longer any hospitals in residential districts. If new hospitals or hospital helistops are developed, they should go into B3-B5 Business or I1 Industrial Districts.]

Standards and conditions:

- (a) In Business Districts and the IR River Corridor Industrial District, the helistop shall be for emergency medical services and accessory to a hospital, require prior permission of the owner or operator to land, and not be open to the general public.
- (b) a The helistop shall be located at least two hundred fifty (250) radial feet from any residentially used or zoned property, measured in a straight line from the closest point of the takeoff and landing area to the closest property line of the residentially used or zoned property. ~~d~~ **The application shall include** a site plan of the proposed facility and an area map showing the distance between the proposed takeoff and landing area and the nearest residential property ~~shall be provided to the planning commission.~~
- (c) b The applicant shall perform a noise analysis to determine whether upon establishment of the helistop the Noise Pollution Control Rules, Chapter 7010, of the Minnesota Pollution Control Agency would immediately be violated. If the analysis shows that the rules would be violated, the applicant shall take measures to prevent the potential violation before the helistop is established.
- (d) e The helistop shall be constructed, operated and maintained in accordance with the rules and regulations of the Federal Aviation Administration (FAA) and State of Minnesota.

Secs. 65.754 - 65.759. Reserved.

Sec. 65.760. Intermodal freight yard.

A site or location where large units of freight, including containerized freight and semitrailers, are transferred between different transportation modes (such as from railroad cars to semitrucks or from barges to railroad cars) using heavy and/or specialized equipment (such as piggy-packers or gantry cranes).

Standards and conditions:

- (a) Intermodal freight yards shall be sited in a manner which prevents unreasonable disturbance to nearby residential properties from the adverse effects of heavy traffic, noise, dust, vibration and excessive lighting.
- (b) The operational area of an intermodal freight yard shall be at least one thousand (1,000) feet from property zoned for, or occupied by, residential uses within the City of Saint Paul measured at the point of shortest distance separating the operational area from the residentially zoned or used property.
- (c) Adequate landscaping and sound barriers where deemed necessary to provide mitigation of increased noise and to provide a reasonable visual barrier between the site and adjoining properties shall be installed and maintained on the site and adjacent to roadways accessing the site.
- (d) Facilities shall be sited in a manner that allows primary access to the site via roads designed for use by heavy trucks or are designated as "haul roads" or "truck routes."

Sec. 65.761. ~~Truck and Motor freight terminals.~~

A facility with more than one (1) dock per five thousand (5,000) square feet of warehouse, storage, or related use and used for either (1) the loading, unloading, dispensing, receiving, interchanging,

gathering, or otherwise physically handling freight for shipment or (2) any other location at which freight is exchanged by motor carriers between vehicles. This includes but is not limited to cross-dock operations and does not include a package delivery service. Excludes buildings with six (6) or fewer loading docks.

- (a) Noise impacts shall be mitigated to prevent excessive impact on residential lots within 300 feet. This may include using the building as a sound barrier between truck docks and residences by aligning the structure close to lot lines.
- (b) Truck access to the property shall be directly onto a designated truck route.

Sec. 65.762. Railroad right-of-way.

Development standard:

In Residential, Traditional Neighborhood, and OS-B3 Business Districts, there shall be no terminal freight facilities, transfer or storage tracks.

Division 10. 65.770. Limited Production, Processing and Storage

Sec. 65.771. Agriculture.

Standards and conditions:

- (a) Agriculture shall be located on parcels of land separately owned outside the boundaries of a proprietary or auditor's subdivision, having an area of not less than five (5) acres.
- (b) All uses shall be subject to the health and sanitation provisions of the City of Saint Paul.
- (c) No odor- or dust-producing substance or use shall be permitted within one hundred (100) feet of any residential property line.
- (d) Principal access shall be provided to a major thoroughfare.

Sec. 65.772. Finishing shop.

Any business which involves spray painting or the application of combustible materials, including furniture finishing and cabinetmaking but not including auto body shops.

Condition:

Finishing shops shall not be within a structure that is also used for residential purposes.

Sec. 65.773. Limited production and processing.

These uses produce minimal off-site impacts due to their limited nature and scale, are compatible with office, retail and service uses, and may include wholesale and off-premises sales. Limited production and processing includes, but is not limited to, the following:

- (1) apparel and other finished products made from fabrics
- (2) blueprinting
- (3) computers and accessories, including circuit boards and software
- (4) electronic components, assemblies, and accessories
- (5) film, video and audio production
- (6) food and beverage products, except no live slaughter, grain milling, cereal, vegetable oil or

vinegar processing

- (7) jewelry, watches and clocks
- (8) milk, ice cream, and confections
- (9) musical instruments
- (10) novelty items, pens, pencils, and buttons
- (11) precision dental, medical and optical goods
- (12) signs, including electric and neon signs and advertising displays
- (13) toys
- (14) wood crafting and carving
- (15) wood furniture and upholstery

Standards and conditions:

- (a) In Traditional Neighborhood Development Districts, a conditional use permit is required for such uses with more than five-thousand (5000) square feet of gross floor area, and total floor area shall not exceed ten-thousand (10,000) square feet.
- (b) All such uses are intended to be compatible with adjacent commercial and service uses. Odors, noise, vibration, glare and other potential side effects of manufacturing processes shall not be discernable beyond the property line.

Sec. 65.774. Malt liquor manufacturing.

Standards and conditions in B3-B5 Business Districts.

- (a) The manufacturing ~~shall be~~ is conducted in conjunction with a brew on premises store, ~~as regulated in the B-2 district;~~
- (b) Fewer than two thousand (2,000) barrels of malt liquor ~~are~~ **shall be** manufactured in a year.
- (c) The malt liquor shall not be sold at retail to customers on the site where manufactured; ~~and~~
- (d) The malt liquor shall not be served to customers on the site where manufactured.

Sec. 65.775. Plastic products.

Manufacturing of plastic products includes tableware, records, buttons and similar products.

Sec. 65.776. Printing and publishing.

Standards and conditions:

In Traditional Neighborhood Development and B2 Business Districts, a conditional use permit is required for such uses with more than five-thousand (5000) square feet of gross floor area, and total floor area shall not exceed ten-thousand (10,000) square feet.

Sec. 65.777. Recycling collection center.

A recycling collection facility ~~in a building~~ for the acceptance by donation, redemption or purchase of recyclable materials. Such a facility may allow limited compacting or crushing of recyclable materials.

Standards and conditions:

- (a) ~~The facility shall~~ **Does** not abut a property zoned for residential use.
- (b) ~~Shall completely enclose~~ **In the B3 Business District**, all handling operations, equipment and

materials, including trailers, **shall be completely enclosed** in a building not exceeding five thousand (5,000) square feet, except for drop-off stations not occupying more than five hundred (500) square feet of the site.

- (c) **In industrial districts, all processing and handling operations shall be conducted within a completely enclosed building. Outdoor storage of materials shall be within covered containers or behind an opaque screen meeting the requirements of section 62.107 on three (3) sides. Such outdoor screening shall be located at least three hundred (300) feet from any residential district.** [This is consistent with language for recycling processing centers in industrial districts.]
- (d) **The facility** shall be free of litter and any other undesirable materials and cleaned of loose debris on a daily basis, ~~and~~
- (e) **The facility** shall be screened pursuant to section 632.11407 if it is located within one hundred fifty (150) feet of a residential use district.

Sec. 65.778. Recycling drop-off station.

A facility consisting of reverse vending machines or unattended weather-resistant containers that are provided for the collection of recyclable materials. Any such recyclable material collected shall be of a size permitting it to be placed completely inside an enclosed reverse vending machine, weather-resistant container or trailer so that such materials are not exposed to the elements. Such a facility may be established in conjunction with and accessory to an existing commercial or industrial use. The term "recycling drop-off station" shall not include temporary mobile collection containers.

Standards and conditions:

- (a) **The facility** shall not occupy an area more than two hundred (200) square feet and shall not interfere with parking and maneuvering requirements of the principal use.
- (b) **The facility** shall be screened pursuant to section 632.11407 if it abuts a residential use or district.
- (c) **The facility** shall be set back at least ten (10) feet from any property line and shall not obstruct pedestrian or vehicular circulation, ~~and~~
- (d) **The facility** shall be maintained free of litter and other undesirable materials.

Sec. 65.779. Warehousing and storage.

Standards and conditions in the B5 Central Business-Service District:

All material must be completely enclosed within a building. Steel warehousing, storage of bulk petroleum or related products, and garbage, rubbish or junk are not permitted.

Sec. 65.780. Wholesale establishment.

A firm involved in the storage, movement or sale of goods for themselves or other firms, usually to retailers for resale to consumers, in relatively large quantities and usually at lower prices than at retail.

Standards and conditions:

In the B3 General Business District, wholesale establishments shall have less than fifteen thousand (15,000) square feet of gross floor area, and shall have no outside storage. In the B4 Central Business District, storage is restricted to samples.

ARTICLE VI. 65.800. INDUSTRIAL USES

Sec. 65.810. Light manufacturing.

Light manufacturing includes, but is not limited to, the following:

- (a) ~~(5) the~~ Manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, **electronic components**, feathers, felt, fibre, fur, glass, hair, horn, leather, **nonferrous metals**, paper, plastic, precious or semiprecious metals or stones, **rubber (excluding rubber or synthetic processing)** [Moved here from Appendix A.], **tires and inner tubes** [Exception in the Minneapolis code for “medium industrial uses.”]), steel, sheet metal (~~excluding the process of stamping large items such as automobile fenders or bodies~~), shell, textiles and fabrics, tobacco, wax, wire, wood (excluding saw and planing mills) and yarns:
- (b) ~~(8) the~~ Manufacture or assembly of **automobiles, boats less than one hundred (100) feet in length, and** [Moved here from Appendix A.] **electrical appliances and equipment** ; ~~electronic instruments and devices, radios and phonographs.~~ [Deleted items covered by more general language.]
~~(9) the manufacture and repair of electrical or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.~~ [Electric and neon signs are already listed under limited production, processing and storage. Manufacture of sheet metal products is covered in item (a) above.]
- (c) **Bottling, all beverages** [Moved here from Appendix A.]
- (d) ~~(4) Where retail sales is not the primary function, the~~ Manufacture, **assembly**, compounding, processing, packaging or treatment of such products as, but not limited to: ~~bakery goods, candy, cosmetics,~~ **hardware and cutlery, nontoxic chemicals, pharmaceuticals, and food products (excluding slaughtering of animals and preparation of meat for packing, sugar refining, oils, and grain, feed or flour milling, processing or storage)** [Exclusions moved here from Appendix A.] ~~toiletries, food products, hardware and cutlery; tool, die, gauge and machine shops.~~ [Cosmetics and toiletries are already listed under limited production, processing and storage. Bakery good and candy are covered by the more general “food products category. Tool, die and machine shops are listed separately under item (h) below.]
- (e) ~~(6) the~~ Manufacture of **glass and glass products, ceramics, china,** pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas: [Glass is manufactured at the Ford plant, and should be listed here.]
~~(7) the manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products.~~ [Musical instruments, toys and novelties are listed under limited production and processing above. Metal and rubber products are included in item (a) above and item (g) below.]
- (f) **Metal working, such as stamping, welding, machining, extruding, engraving, plating, grinding, polishing, cleaning and heat treating.** [Moved here from Appendix A.]

Sec. 65.811. General industrial.

General industrial uses include higher impact and outdoor uses which are likely to have greater off-site impacts and which require special measures and careful site selection to ensure compatibility with the surrounding area. General industrial uses often include processing of raw materials and production of primary materials. General industrial uses include, but are not limited to, the following:

- (a) ~~(2) Any~~ Production, processing, cleaning, servicing, testing, repair or storage of materials or products which shall not be injurious or offensive to occupants of adjacent premises by reason of the emission of noise, vibration, smoke, dust or particulate matter, toxic and noxious

materials, odors, glare or heat, except those uses **specifically first** allowed as **principal permitted** uses ~~permitted~~ in the I-3 **Restricted Industrial** District:

- (b) ~~(4)~~ Storage **and processing** facilities for building materials **including, but not limited to, asphalt, brick, cement, concrete, sand, gravel, sand, stone, tile and wood lumber.** [Added items moved here from Appendix B.]
- (c) **Manufacture, processing and reprocessing of batteries; toxic chemicals; fertilizer; oils and oil-based paints, lacquers and varnishes; raw plastics; synthetic resins and fibers; and natural or synthetic rubber, including tires and inner tubes** [Moved here from Appendix B.]
- (d) **Grain, feed and flour milling, processing and storage** [Moved here from Appendix B.]
- (e) **Steel mills, metal refining and other processing that requires intense heat** [Moved here from Appendix B.]

Sec. 65.812. General outdoor processing.

Uses which service, process or manufacture outside of a completely enclosed building.

Standards and conditions:

- (a): Outdoor servicing, processing, manufacturing or the storage of the materials used in these operations shall be no closer than three hundred (300) feet to a property occupied with a one-, two-, ~~three-, four-, townhouse~~ or multiple-family dwelling. [Redundant language]
- (b): All outdoor servicing, processing or manufacturing shall be conducted, operated and maintained in accordance with any necessary permits of **the** Minnesota Pollution Control Agency, the county and the city.
- (c): The applicant shall provide a site plan showing the location of buildings; areas of outdoor storage, servicing, processing or manufacturing; and fences and walls. A narrative shall accompany the plan stating the measures the applicant will take to contain on the property any dust, odor, noise or other potentially adverse affects.

Secs. 65.813 - 65.819. Reserved.

Sec. 65.820. Brewery, micro and regional.

A facility with a capacity to manufacture one million (1,000,000) or **fewer** ~~less~~ barrels of alcoholic and nonalcoholic malt liquor a year. This definition excludes brew on premises stores as defined herein and/or small breweries operated in conjunction with a bar or restaurant defined herein as an accessory use.

Sec. 65.821. Brewery, national.

A facility with a capacity to manufacture over one million (1,000,000) barrels of alcoholic and nonalcoholic malt liquor a year. This definition excludes brew on premises stores as defined herein and/or small breweries operated in conjunction with a bar or restaurant defined herein as an accessory use.

Sec. 65.822. Concrete, asphalt and rock crushing facility.

Standards and conditions:

- (a) All concrete, asphalt and rock processing and storage shall be located at least three hundred (300) feet from any residential property.
- (b) All outdoor servicing, processing or manufacturing shall be conducted, operated and maintained in accordance with any necessary permits of MPCA, the county and the city.

- (c) The applicant shall provide a site plan showing the location of buildings; areas of outdoor storage, servicing, processing or manufacturing; and fences and walls. A narrative shall accompany the plan stating the measures the applicant will take to contain on the property any dust, odor, noise or other potentially adverse effects.

Sec. 65.823. Greenhouse, industrial.

Wholesale business whose principal activity is the growing and selling of plants within an enclosed building.

Secs. 65.824 - 65.829. Reserved.

Sec. 65.830. Hazardous waste processing facility.

Any commercial facility, as defined in Minnesota Rules 7045.0020, for which a Minnesota Pollution Control Agency (MPCA) permit is required, treating hazardous waste generated at any off-site location, that is designed and operated to modify the chemical composition or chemical, physical or biological properties of a hazardous waste by means such as reclamation, distillation, precipitation or other similar processes, which neutralizes the waste or renders it nonhazardous, safer for transport, amendable for recovery, storage or reduced in volume, excepting "elementary neutralizing units" and "pretreatment units," as defined in Minnesota Rules, Chapter 7045.0020. Hazardous waste processing does not include incineration or disposal.

Standards and conditions:

- ~~(a3)~~ Subject to section 64.300(d), hazardous waste processing facilities, provided such ~~facility~~ **is** ~~are~~ **shall be** located within ~~those~~ **an** areas of the city included in the Minnesota Waste Management Board's "Inventory of Preferred Areas for Processing Facilities," dated August 1983, and subject to the facility proposer receiving all applicable permits and approvals, and meeting all conditions, ~~including, but not limited to, the following:~~
- ~~(b)a.~~ The minimum distance between structures housing hazardous waste processing facilities and residentially zoned property shall be one thousand (1,000) feet measured from the closest point of the structure to the zoning district boundary.
- ~~(c)b.~~ **An** Environmental Assessment Worksheet (EAW) and Environmental Impact Statement (EIS); **shall be completed** if required under Environmental Quality Board Rules.
- ~~(d)c.~~ ~~Submittal and maintenance of p~~ **Performance** agreements and financial guarantees **shall be provided and maintained** as required by the **conditional use permit** ~~city council~~. The performance agreements and supporting financial guarantees shall, at a minimum, cover the following: completion of required site improvements; emergency cleanup and mitigation activities by the operator, after which the city may initiate and complete appropriate cleanup activities; and closure activities in accordance with Minnesota Rules 7045.0498--.0524.
- ~~(e)d.~~ Submittal of proposer's operating credentials, including: proposer's management experience with comparable hazardous waste facility; proposer's, proposer's partners, and proposer's parent company's net worth and bonding capacity, demonstrating compliance with federal standards as set forth in Code of Federal Regulations (CFR) 40, Parts 123, 264, and 265; references from persons familiar with proposer's hazardous waste facility management experience; evidence of permit application submittal to applicable county, state and federal agencies.
- ~~(f)e.~~ Compliance with U.S. Environmental Protection Agency and MPCA inspection and reporting requirements in accordance with CFR 40, Parts 264 and 265 or Minnesota Rules 7045.

- (g)f. All facilities newly constructed for or modified for the purpose of processing hazardous waste materials shall be directly accessible from a primary arterial roadway as defined and designated in the transportation section of the comprehensive plan for the City of Saint Paul.
- (h)g. There shall be a minimum setback from stormwater holding areas, natural drainage facilities, and wetlands in accordance with Minnesota Rules 7045.0460.
- (i)h. All stormwater runoff shall be managed in accordance with Minnesota Rules 7045.0526 and 7045.0528.
- (j)i. ~~There shall be~~ No outside storage of hazardous waste except as permitted by MPCA.
- (k)j. All loading or unloading of hazardous materials must occur in compliance with Minnesota Rules 7045.
- (l)k. A copy of the contingency plan, and all amendments and revisions, including operating log, required under Minnesota Rules 7045.0466 must be maintained at the facility and with emergency response agencies of the City of Saint Paul.
- (m)l. The developer ~~must agree to~~ shall provide, at his sole expense, maintenance and continued implementation of approved emergency training programs for all employees at the time of ~~their~~ initial hiring; and during ~~their~~ continued employment; ~~and for public safety personnel of the City of Saint Paul. The training programs shall be reviewed annually for currency; training programs shall also be maintained and conducted for public safety personnel of the City of Saint Paul.~~
- (n)m. The developer/operator must prepare and maintain contingency plans to include provisions for alerting applicable agencies; and provision for emergency evacuation of the facility and the surrounding area, in accordance with Minnesota Rules 7045.0466.
- (o)n. Proposer's site, operating plans, contingency plans, and training programs shall conform to MPCA permit review under Minnesota Rules 7001.0001-.0730.
- (p)o. Any ~~special~~ conditional use permit issued for facilities under this section shall be subject to an annual review by the planning commission to ascertain that operations of the facility continue to be in compliance with all conditions of the permit and the Legislative Code.

Sec. 65.831. Infectious waste incinerator.

Standards and conditions:

See Sec. 65.832. *Infectious waste processing facility*, standards and conditions (a)-(c).

Sec. 65.832. Infectious waste processing facility.

A site, including the land and any structures thereon, where infectious waste or pathological waste is accepted, transferred, stored, handled, treated, decontaminated, processed or disposed. Infectious waste processing facility does not include the site of a generator of infectious waste which is governed by the state department of health, as set forth in Minnesota Statutes, section 116.81, subdivision 2.

Standards and conditions:

- (a-) The treatment of the waste ~~is~~ shall be conducted within completely enclosed buildings;.
- (b-) The storage of the waste ~~is~~ shall be within completely enclosed buildings, except that the storage of the waste may be within trailers, provided the trailers are securely locked and are temperature controlled to prevent putrescence, as directed by the Office of Licenses, Inspections and Environmental Protection. The waste shall be stored for no more than forty-

eight (48) hours, except that waste accepted on Friday must be disposed of no later than the following Monday; ~~and~~.

- (c-) All structures containing the waste operations ~~are~~ **shall be** at least one thousand (1,000) feet from the closest property line of a one-, two-, ~~three-, four-, townhouse~~ or multiple-family dwelling; ~~and~~.
- (d-) The incineration of infectious wastes shall be prohibited.

Secs. 65.833 - 65.839. Reserved.

Sec. 65.840. Metal shredder, large.

A facility that accepts, stores, and shreds large used recyclable metal products, including motor vehicles, appliances, sheet iron, industrial clips, whether or not maintained in connection with another business. Shredding is the reduction in size of the metal products by means of a rotor equipped with hammers, including in and out conveyors, scrubbers, separation and dust collection equipment, and other connected machines.

Sec. 65.841. Metal shredder, small.

A facility that accepts, stores, and shreds small used recyclable metal products including cans and other small metal products (excluding motor vehicles), whether or not maintained in connection with another business. Shredding is the reduction in size of the metal products by means of a rotor equipped with hammers, and may include in and out conveyors, scrubbers, separation and dust collection equipment, and other connected machines. **This use is included in the definition of “recycling processing center.”**

Sec. 65.842. Mining.

The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand (1,000) cubic yards or more and the removing thereof from the site without processing, with the exception of the removal of materials associated with construction of a building which is approved in a building permit.

Sec. 65.843. Motor vehicle salvage operation.

Any business whose principal activity is to obtain used motor vehicles to salvage and sell usable parts therefrom and which maintains a premises upon which to accumulate and dismantle such vehicles.

Standards and conditions:

See Sec. 65.846. *Recycling processing center, outdoor.*

Sec. 65.844. Recycling processing center.

A facility that accepts, stores and processes recyclable materials, **not including concrete, asphalt and rock**, whether or not maintained in connection with another business. Processing includes, but is not limited to, baling, briquetting, crushing, compacting, grinding, shredding, sawing, shearing, and sorting of recyclable materials and the heat reduction or melting of such materials. This definition includes small metal shredders **as defined in section 65.841** and excludes large metal shredders as defined in section **65.840** ~~60.213.M~~.

Sec. 65.845. Recycling processing center, indoor.

Standards and conditions:

- (a) ~~Recycling processing center where~~ All processing activities ~~are~~ **shall be** conducted within a

wholly enclosed building, ~~provided that:~~

- (b) ~~a:~~ Outdoor storage of materials ~~are~~ **shall be** within covered containers or behind an opaque visual screen meeting the requirements of section 632.xxx107 on three (3) sides. Such outdoor storage ~~is~~ **shall be** located at least three hundred (300) feet from any residential district, ~~and~~
- (c) ~~b:~~ There ~~is~~ **shall be** no outdoor open burning on the site, ~~and~~
- (d) ~~c:~~ All types of processing are allowed except heat reduction that would otherwise be permitted in ~~the I-2 General Industrial D~~ districts.

Sec. 65.846. Recycling processing center, outdoor.

Standards and conditions:

- (a): Outdoor processing, salvaging and storage of the materials and motor vehicles shall be no closer than three hundred (300) feet to a property occupied with a one-, two-, ~~three-, four-~~ or multiple-family dwelling ~~or townhouse dwelling~~ [redundant language]. The area used for the outdoor processing, salvaging and storage shall be behind an eight-foot-high obscuring wall, fence or landscaped buffer. The planning commission may modify this requirement where a wall, fence or buffer may interfere with the operation of the business.;
- (b): There shall be no outdoor open burning on the site. The use of cutting torches, furnaces and other equipment which produce a flame shall not be construed to constitute open burning, ~~and~~.
- (c): There shall be no stacking of material above the height of the wall or fence, except that material set back three hundred (300) feet from the nearest residential property line may be stacked one (1) foot higher ~~over~~ **than** the wall or fence, up to a maximum of sixty (60) feet, for every **additional** five (5) feet the material is set back from the nearest residential property line.

Sec. 65.847. Solid waste compost facility.

A site that has been approved by the city, Ramsey County and the Minnesota Pollution Control Agency (based on Minnesota Rules Section 7035.2835) for the storage, transfer or composting of specifically identified types of solid waste materials.

Standards and conditions:

- (a): Materials including, but not limited to, yard waste, sand, grit, sludge, paper mill waste, shredded paper, food waste, residential solid waste and other refuse derived fuels shall be accepted,;
- (b): All storage, transfer or composting of such materials and the maneuvering of equipment and vehicles shall be conducted on an asphalt or concrete surface previously paved to specifications designed to handle anticipated loads. Runoff from the site shall be controlled in accordance with city requirements and other applicable government agency provisions,;
- (c): All composting materials in the active composting stage shall be turned or aerated by a blower system at least two (2) times per month or more often as required,;
- (d): The ~~solid waste compost~~ facility shall be enclosed by an eight-foot fence to control vehicular and pedestrian access. There shall be appropriate buffering of the facility from residential zoning or uses by the use of berms, trees or other means deemed appropriate by the planning **commission or zoning** administrator. The site may have greenhouses for composting solid waste materials,;
- (e): The ~~solid waste compost~~ facility ~~ies~~ shall be located no closer than three hundred (300) feet from any residentially used or zoned property as measured from the edge of the nearest

compost pile to the nearest residentially used or zoned property.

- (f): The height of the compost pile(s) shall be limited to no higher than fifteen (15) feet above grade.
- (g): The operator of the ~~solid waste compost~~ facility shall be responsible for maintaining the facility free of loose wind-driven refuse. All materials collected at the site which cannot be composted shall be removed from the property at regular intervals or stored to not become a nuisance. In no case shall these materials be stored on the site for more than seven (7) working days.
- (h): The ~~solid waste compost~~ facility shall have available ~~at least~~ a loader such as a front end loader, a windrow turner, a rotary screening unit and any other equipment deemed necessary by the city, ~~and~~.
- (i): A site plan illustrating compliance with these and all other applicable requirements as well as a detailed explanation of the solid waste compost activities planned for the site must be submitted to and approved by the planning **commission or zoning** administrator.

Sec. 65.848. Solid waste transfer station.

An intermediate facility in which garbage, refuse and other solid waste collected from any source is temporarily deposited to await transportation to a waste facility. This includes sites for the sorting of construction and demolition material. [This definition is recommended by LIEP staff to be consistent with license definitions.]

ARTICLE VII. 65.900. ACCESSORY USES

Sec. 65.910. Accessory use or accessory.

A **building, structure or** use which is clearly incidental to, customarily found in connection with, and (except as provided in section ~~632.13004~~) located on the same zoning lot as, the principal use to which it is related.

When "accessory" is used in the text, it shall have the same meaning as "accessory use."

An accessory use includes, but is not limited to, the following:

- (~~a~~7) Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- (~~b~~9) Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
- (~~c~~3) Domestic storage in a barn, shed, tool room or similar accessory building or other structures including the storage of antique and classic automobiles within accessory structures.
- (~~d~~5) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- (~~e~~6) Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- (f) ~~††~~ Trash containers, including garbage dumpsters, in accordance with Chapter 357 of the Saint Paul Legislative Code.
- (g) ~~††~~ Accessory signs, subject to the sign regulations for the district in which the zoning lot is

located.

- (h8) Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex; greenhouses located on the premises as incidental to a florist.
- (i1) Residential accommodations for servants or caretakers **located within the main dwelling and without separate cooking facilities.** [This goes along with §65.120, Secondary dwelling and §65.121, Carriage house dwelling of this chapter, which would allow construction of secondary and carriage house dwellings for servants and caretakers. This change ensures that all such dwellings would have to meet the standards and conditions is §65.120 and §65.121. A few people have tried to build new secondary and carriage house dwellings claiming the tenant living there would perform chores around the house. This amendment would clarify that accommodations for live-in help under the definition of accessory use must be established in the main house without creating a separate dwelling unit. If a separate dwelling unit is desired, it would have to be done under the provisions is §65.120 and §65.121.]
- (j2) Swimming pools for the use of the occupants of a residence or their guests.
- (k4) A newsstand primarily for the convenience of the occupants of a building which is located wholly within such building and has no exterior signs or displays.
- (l13) A small brewery operated in conjunction with a bar or restaurant provided the beer is sold for consumption on the premises and not sold to other bars, restaurants or wholesalers, except that an establishment licensed under Minn. Stat. §340A.301, subd. 6(d) may sell “growlers” off-sale with appropriate city license..
- (m) **An enclosed, single-bay car wash operated in conjunction with an auto convenience market or auto service station.** [This clarifies existing Zoning Administrator practice.]
- (n) ~~14)~~ Food shelf when located in dwelling units or an accessory building for the dwelling unit, churches, synagogues, and community centers.
- (o) ~~12)~~ Radio and television receiving antennas including satellite receiving dishes, or short-wave transmit/receive antennas designed for dispatching or use with household electronic equipment including "ham" radio equipment, subject to the regulations in section 62.117.

Sec. 65.911. Antenna, radio and television receiving.

A wire, set of wires, metal or carbon fiber element(s), other than satellite dish antennas, used to receive radio, television or electromagnetic waves, and including the supporting structure thereof.

Sec. 65.912. Antenna, short-wave radio transmitting and receiving.

A wire, set of wires or a device, consisting of a metal, carbon fiber or other electromagnetically conductive element used for the transmission and reception of radio waves used for short-wave radio communications, and including the supporting structure thereof.

Sec. 65.913. - 65. 919. Reserved.

Sec. 65.920. Retail service and office, accessory.

Standards and conditions:

- (a) Any retail service or office use on the zoning lot shall be clearly incidental~~al~~ to the principal use and designed to service only residents of the principal use.
- (b) Such use shall be provided either totally within the walls of the principal structure, or as an accessory building situated so as to provide direct access to the residents of the principal use

only. ~~There shall be no direct exterior public access to such use shall be available to the general public from any exterior entranceway.~~

- (c) No identification sign shall be visible from any exterior view.
- (d) Such uses shall not exceed twenty-five (25) percent of the floor area at grade level, or fifty (50) percent of the floor area of a subgrade level, and shall be prohibited on all floors above the first floor or grade level.
- (e) Each one thousand (1,000) square feet of floor area devoted to such use shall be counted as one dwelling unit in the computation of allowed dwelling units on the lot.
- (f) The principal structures shall ~~contain at least not be less than one hundred fifty (150)~~ dwelling units notwithstanding subparagraph (e) of this subsection.

[NOTE: This combines condition language for these uses now listed separately under RM-2 and RM-3. RM-2 currently has a condition for a minimum of 150 dwelling units, and RM-3 has no such condition. A condition for a minimum of 50 units seems about right for both.]

Sec. 65.921. Support services in housing for the elderly.

Support services within elderly housing as defined in section 650.12308-H, including limited food service, beauty salon and retail goods sales areas.

Development standard:

Support service areas shall not exceed five (5) percent of the designated community room area.